

INTRODUCTION

SINCE Professor Norval Morris's book on the Habitual Offender was published in 1951, there has been no large scale investigation of this class of offender. The present study is an attempt to find out whether persistent offenders have changed in the interval and, in particular, we are interested in seeing what effect if any the changed conditions of qualification for preventive detention have had.

Initially, the study was undertaken at a suggestion of the Prison Commissioners who wished to know what kind of offender was being sentenced to preventive detention, although it has since broadened considerably.

The study is mainly confined to one class of persistent offender; those who have become liable to preventive detention. Other persistent offenders who do not qualify because they are less than 30 years of age or do not have the necessary number of appearances on indictment or previous imprisonments are excluded even though they may have been before the courts frequently for non-indictable offences. Nevertheless, the study can be said to cover a large proportion of all habitual offenders over 30 years of age.

In deciding whether or not to give a sentence of preventive detention, the court has to face, in an aggravated form, the complex situation which all courts have before them; it has to deal with the offence which has been committed, take account of the offender's antecedents and also attempt to assess the effect of the sentence on the offender's future behaviour. For this the courts require information about the effectiveness of different sentences given to similar offenders in the past. Such information is not generally available and the present analysis is an attempt to fill this gap. The problem is in two parts; how does the court determine its sentence, and secondly, how are the factors which influence the court's sentence related to the offender's subsequent behaviour? That is, are the determiners of *sentence* those factors which also render the offender particularly vulnerable to *reconviction*?

The attitude of the courts towards the group of liable offenders is shown by their sentencing; we have tried to distinguish between the court's attitude towards the current offences committed by these men and their attitude towards the offender's past history. The latter aspect is probably the more important in determining the possible harm which the offender might do to the community in the future.

The present study seeks to show what kind of man the liable offender is and hence what society is being protected against by the court's sentence of preventive detention or the alternative sentence. An important aspect of protecting the public is the extent to which the effect of the sentence persists after the offender's return to the community. Hence it is necessary to consider the deterrent effect as well as the purely preventive effect of different sentences.

We have compared certain criminal characteristics of the liable offenders with those of the whole population of indictable offenders aged 30 or over in 1956 and with those of offenders of that age sentenced at quarter sessions or assizes as shown in the official publication "Criminal Statistics". We have

also made a comparison with persistent offenders (those with six or more previous offences) received into prison in 1956 as shown in the Report of the Commissioners of Prisons.

The Place of Liable Offenders and Preventive Detainees among other Offender Groups

BEFORE considering the detailed results of the research investigation it is worth while setting down a few general facts about preventive detention, in order to place this penalty and the types of offender given it, within the general scheme of persistent offenders and their sentences. (Unless otherwise stated the figures throughout the report apply to males only.)

The number of preventive detention sentences given each year since 1948 has averaged rather more than two hundred, or about half the total number of sentences of imprisonment of five years or over. The number of offenders liable to preventive detention over the period is estimated at between 1,300 and 1,600 each year. These figures should be compared with totals of about thirty to thirty-five thousand males aged 30 or over convicted of indictable offences (between six thousand and eight thousand offenders at higher courts). A somewhat larger number are also received into prison annually convicted of an indictable offence and having six or more previous convictions.

Preventive detainees, therefore, form only a small proportion of offenders of the same ages whose offences are sufficiently serious for them to be dealt with at higher courts; when they are compared with the most persistent offenders received into prison, as defined above, they represent only about 2-3%. Numerically, therefore, they form a relatively insignificant part even of persistent offenders, but they are important in so far as they tend to form the most extreme section of such offenders. Sentences of preventive detention are, also, so long that they take up an appreciable amount of prison accommodation. Moreover, we shall see that the total amount of crime for which preventive detainees have been responsible is very heavy and in certain respects these offenders constitute a group with some rather special characteristics.

Offenders who are liable to preventive detention but who are given other sentences, number about eight to ten times as many as those actually sentenced to preventive detention, but these offenders are mostly given shorter sentences and the number of offences which they have committed individually is considerably less.

How sentence of preventive detention is given

A sentence of preventive detention can only be imposed by a higher court. The offender may receive such a sentence:—

- (1) after trial on indictment or plea of guilty at a court of assize or quarter session;
- (2) on committal from a magistrates' court to quarter sessions under section 29 of the Magistrates' Courts Act 1952 or on appeal from a magistrates' court to the quarter sessions for the borough or the appeals committee for the county.

The procedure of bringing a person to trial is described in the recent Research Unit publication, "Time spent awaiting Trial".

The legal criteria of liability to preventive detention under Section 21 of the Criminal Justice Act, 1948, are as follows:

An offender becomes liable to preventive detention (subsection (2)) if he is not less than 30 years of age and "(a) he is convicted on indictment of an offence punishable with imprisonment for a term of two years or more; and (b) he has been convicted on indictment on at least three previous occasions since he attained the age of 17 of offences punishable on indictment with such a sentence, and was on at least two of those occasions sentenced to borstal training, imprisonment or corrective training".

Subsection (6) provides that:

"For the purpose of paragraph (b) of subsection (2) of this section a person who has been convicted by a court of summary jurisdiction of an indictable offence and sentenced for that offence by a court of quarter sessions, or on appeal from such a court, to Borstal training, imprisonment or corrective training shall be treated as if he had been convicted of that offence on indictment."

The use made of sentence of preventive detention by the courts

The extent to which the courts have made use of the sentence of preventive detention since the 1948 Act is shown below and in Fig. 1.

Number of offenders sentenced to Preventive Detention

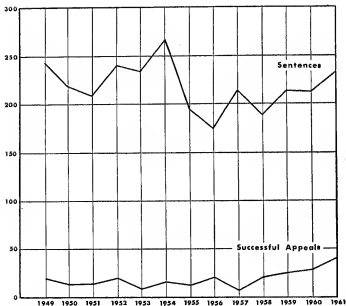
	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961
After conviction at quarter sessions/sessions	192	184	170	207	189	213	152	137	171	160	166	171	190
After conviction at magistrates' court and committal under S.29 M.C.A. 1952	32	37	41	33	48	55	45	39	44	29	49	43	47
Total	244	221	211	240	237	268	197	176	215	189	215	214	237

With some fluctuations, preventive detention has shown an increasing trend since the 1948 enactment to a peak in 1954 followed by a very sudden fall during the year of study and the preceding year with some recovery since. This sequence does not parallel any general crime trend over the period, although it is possible that it may be related to changes in the numbers of liable offenders.

There is no statutory requirement to keep records of the number of offenders liable for preventive detention in any year and therefore the numbers cannot be ascertained except by a special enquiry, but, as estimated from the 1956 figures, it is probably of the order of eight to ten times the above numbers.

Figure 1

Number of offenders sentenced to preventive detention and number of successful appeals against sentence



(Note: A 'successful' appeal is one in which the length of sentence is reduced or in which a different sentence involving a reduction in the period of confinement is substituted.)

Appeals against sentence of preventive detention

Details of the changes resulting from appeals against sentence of preventive detention (after eliminating a total of eight cases in which the conviction was quashed) are set out below for each year from 1949 to the present.*

Court of Criminal Appeal*Result of the Appeal*

Year	Number of appeals against sentence of preventive detention involving change in sentence	Reduction in length	Increase in length	Varied to other form of sentence (usually imprisonment)
1949	22	16	3	3
1950	14	1	1	12
1951	14	4	1	9
1952	19	1	0	18
1953	9	0	1	8
1954	15	2	0	13
1955	12	4	1	7
1956	20	1	0	19
1957	6	2	0	4
1958	20	3	0	17
1959	23	3	0	20
1960	28	2	0	26
1961	39	3	0	36

If we accept a reduction in the length of the sentence of preventive detention or the substitution of another form of treatment, e.g. imprisonment (provided that this involves a shorter period of confinement), as a successful appeal against sentence of preventive detention, the percentage of sentences which were successfully appealed against averaged 6% per year up to 1955. After this year the successful appeals increased to over 10% (apart from the exceptionally low percentage in 1957), and in 1961 these exceeded 16% of all sentences. 89% of these consisted of a variation in the order from preventive detention to some other penalty. This is an indication of considerable uncertainty or even of conflict of views concerning the suitability or length of sentence of preventive detention for particular cases.

Offences for which sentence of preventive detention was given

The distribution of offences (according to the Criminal Statistics Classification) for which sentence of preventive detention was given during the period 1949 to 1961 is shown in Appendix 8 of the Annual Reports of the Commissioners of Prisons. These figures apply to receptions into prison under sentence of preventive detention during the year; they differ very slightly from the numbers given in the "Criminal Statistics" which refer to offences for which the offender was convicted and sentenced to preventive detention.

* A recent study of appeals against the sentence of preventive detention has been made by Dr. T. E. James (Criminal Law Review, June 1962) from which he draws conclusions about the nature and purpose of preventive detention which afford an interesting comparison with the findings of the present study.

The following table summarises the result for each year, when offences are grouped into the major categories we have used throughout this report except that where more than one type of offence is committed the category of the most serious offence is used.

Distribution of offences committed by preventive detainees from 1949-1961

	Violence		Sex		Breaking and Entering*		Larceny (including receiving)		Fraud and false pretences		Other offences		All groups	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
1949 ..	2	1	11	4	130	48	89	33	26	10	10	4	268	100
1950 ..	4	2	2	1	106	48	77	35	23	11	6	3	218	100
1951 ..	4	2	10	5	93	44	92	43	12	6	1	0	212	100
1952 ..	1	1	5	2	122	51	84	35	20	8	7	3	239	100
1953 ..	2	1	10	4	107	48	72	32	22	10	10	5	223	100
1954 ..	3	1	7	3	142	54	86	33	20	8	3	1	261	100
1955 ..	6	3	6	3	98	51	65	34	13	7	3	2	191	100
1956 ..	4	2	4	2	85	50	53	31	20	12	5	3	171	100
1957 ..	3	1	15	7	109	50	66	31	18	8	6	3	217	100
1958 ..	1	1	4	2	117	63	46	25	14	7	4	2	186	100
1959 ..	2	1	7	3	112	51	73	33	19	9	7	3	220	100
1960 ..	6	3	11	5	112	53	50	24	24	11	9	4	212	100
1961 ..	5	2	12	6	107	50	63	29	18	8	10	5	215	100

* This term is used here as elsewhere to denote offenders committing the offence of breaking and entering irrespective of the type of premises entered.

Fig. 2 shows the percentage of offenders in the three major groups breaking and entering, larceny (including receiving) and fraud or false pretences.

The proportion of offenders convicted of breaking and entering has shown a slight increase over the period and that for larceny a very slight decrease whilst fraud has remained almost constant. These differences are too slight to affect the overall position much, breaking and entering accounting for slightly more than half the offences committed, larceny from about one third to one quarter and fraud just under one-tenth.

Plan of investigation

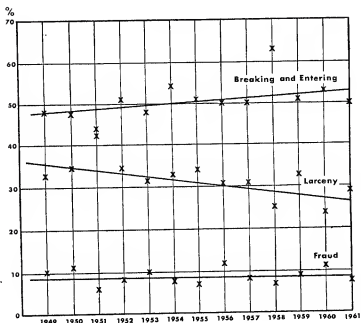
The present investigation was carried out in two stages; this was partly because the material analysed was made available at different times and partly because certain questions were raised during the first part of the analysis which required material additional to the sample of after-trial calendar records used initially.

Part I.—Preventive detainees compared with liable offenders given other sentences

The main object of the first part of this report is to compare the offenders who were sentenced to preventive detention with those given other sentences. Further light on the sentencing is provided by a less detailed consideration of the factors influencing the kind of penalty which was given as the alternative to preventive detention. This aspect is dealt with in Chapter 9.

Figure 2

Percentage of sentences of preventive detention given to larceny, fraud and breaking and entering offenders



In order to study the effectiveness of preventive detention or other sentences given to persistent offenders, the investigation had to be extended beyond the original sample of all offenders who, in 1956, were liable for preventive detention, and we have compared the official figures for releases from preventive detention during other years* with the results obtained for the liable offenders who were given short enough sentences to allow a three year follow-up to be made. We have also studied the most important factors in the criminal histories of the 1956 liable offenders given sentences other than preventive detention in relation to subsequent reconviction, and we have made a similar analysis of reconvictions of offenders released from preventive detention from 1952 to 1957.

* From the Annual Report of the Council of the Central After Care Association, 1959.

In Chapter 13 we have set out to examine how serious is the social problem presented by liable offenders and the danger to the community which they present when at liberty.

The data upon which Part I is based consist mainly of after-trial calendar records for 1956, supplemented by information obtained from the Criminal Record Office. The nature of the information available has thus necessitated a somewhat statistical approach. In order to evaluate the factors which have influenced the courts in their sentencing, or in comparing the preventive detainee with other persistent offenders, we have made use of statistical techniques for dealing with the inter-relations between different factors and for standardising our comparisons of subsequent reconvictions. Some of these may not be familiar and the methods are described in the text or in Appendices to the report.

Part II.

This part of the report is concerned with more subjective information about persistent offenders' psychological and social backgrounds for comparison with Professor Norval Morris's research findings as set out in his book "The Habitual Offender".

The prisons where offenders serve their sentences of preventive detention have to provide information on the prisoner's criminal history, his behaviour during the current sentence and certain particulars of his social background and psychological make-up, together with the staff's assessments of the likelihood of his continuing in crime, for use by the Preventive Detention Advisory Board. This information, provided for a sample of preventive detainees released from sentence during the period 1952 to 1957, forms the basis of Part II. In this Part we have been concerned with the problems of applying quantitative methods of analysis to recorded information, much of which is expressed in the form of verbal statements made by the prison staff.

In Chapters 19 and 20 we have used the recorded social and other information to estimate the probability of the offender's return to crime, and we have compared our statistical estimations with the Board's allocation and the prison staff's forecasts of reconviction. We have also made a subjective study of the way in which the Board operates currently in order to supplement our statistical study of the results of the Board's functioning in past years.

We have dealt in Part II with a wider range of information than we used in Part I and, because the information is less amenable to purely statistical analysis, we have been somewhat less constrained in our interpretations of the findings.

As a result of our analysis of the characteristics of the types of offender concerned and of the workings of the Board under the conditions imposed upon it, we have made certain recommendations on the nature of the sentence of preventive detention and we have suggested some modifications of the selection procedure. If these were adopted, it is hoped that they would enable the treatment to be more closely adapted to the kind of prisoner concerned and would also enable a more adequate evaluation of selection and treatment of this class of offender to be made in the future.

CHAPTER 1

HISTORICAL NOTE ON PREVENTIVE DETENTION

THIS study is concerned only with the sentence of preventive detention embodied in the provisions of the Criminal Justice Act 1948. Before this time there was a sentence known as preventive detention which was introduced by the Prevention of Crime Act 1908.

An early reference to the problem of the persistent offender can be found in the report of the Commissioners inquiring into the operation of the Transportation and Penal Servitude Acts given to the House of Lords in 1863. This refers to habitual thieves "inveterately addicted to dishonesty and so averse to labour that there is no chance of their ceasing to seek their existence by depredations on the public unless they are compulsorily withdrawn for a very considerable time from their accustomed haunts. Such persons may sometimes be guilty of only minor offences, yet by the continual repetition of such offences they may inflict more loss upon the public . . . than men who, under great temptation, commit a grave but single crime".

The Gladstone Committee on prisons (1895) recognised that persistent offenders could not be dealt with effectively by sentences imposed for their specific offences: "to punish them for the particular offences of which they are detected is almost useless". The Committee recommended "a new form of sentence . . . offenders might be segregated for long periods of detention during which they would not be treated with the severity of . . . hard labour or penal servitude but would be forced to work under less onerous conditions". The findings of the Gladstone Committee led to the introduction of preventive detention in the Prevention of Crime Act 1908. However, the provisions of that Act laid down that before a sentence of preventive detention could be given, an offender must be found by a jury to be an habitual criminal. The sentence, which could be from five to ten years, was additional to a sentence of penal servitude for the offence which had brought the offender before the court on that occasion and the sentence of preventive detention was consecutive upon that of penal servitude. In the literature on the subject preventive detention of that type has therefore been referred to as a dual sentence. It is also termed an indeterminate sentence for while the court did in fact sentence the offender to a definite term of preventive detention there was provision in the 1908 Act for the offender to be released on licence at any time "should it be considered that it was possible for him to engage in honest employment". This first type of preventive detention had almost fallen into disuse (less than forty offenders being sentenced to preventive detention per annum) by the time that the Departmental Committee on persistent offenders was set up in 1932* and by 1938 when the Criminal Justice Bill was introduced in the House of Commons the reasons given for the failure of this method of dealing with persistent offenders were said by Sir Samuel Hoare to be its cumbrous procedure and the hesitation by judges and juries to use a procedure that looked as if it involved a double sentence; juries also hesitated to say that a particular offender was

* Report of the Departmental Committee on Persistent Offenders (Cmd. 4090) H.M.S.O. 1932.

an habitual offender. The Law Journal 1932 (page 404) with reference to the report of the Committee says: "A large number of persistent offenders never commit a serious offence at all; and in such cases there is at present no method of dealing with them except by imposing a short sentence each time they are convicted . . . and where a substantial sentence of penal servitude though obviously out of proportion to the offence charged has been passed in order to enable the offender to be dealt with as an habitual offender the Court of Criminal Appeal has not been slow to interfere".

The intention of preventive detention as instituted in the Criminal Justice Act 1948 is set out in the Home Office publication "Prisons and Borstals", H.M.S.O. 1960, which says on page 45: "It is of the essence of the system that the offender is not being punished for the last offence of which he was convicted but is confined for the protection of society, and for a period which will, in all probability, far exceed any period for which he would have been imprisoned as a punishment". The report continues "The conditions of his confinement must therefore be as little oppressive and as much superior to the conditions of ordinary imprisonment as may be compatible with safe custody and good order. On the other hand, they must take account of the fact that the system deals with men who include a high proportion of difficult and dangerous prisoners, for whom maximum security and close control are essential".

The system set up in 1949 in an attempt to meet these principles was to divide the long period of detention into three stages with gradually increasing privileges, preferably in different types of establishment.

Stage 1 consists of a comparatively short period served under ordinary conditions in a local prison. This is followed by a less rigorous form of imprisonment with a higher standard of living, served in a central prison to which the offender is allocated (after 1956 by special allocation centres). Stage 2 lasts until the offender appears before a Special Advisory Board for selection to stage 3 and during this time there is the disciplinary sanction of return to stage 1. Stage 3 has many more amenities and serves as a pre-release training during which the prisoner receives vocational and other training for his future after discharge. This involves working outside the prison and, where practicable, it should include a period spent in a hostel, living a life as near normal as possible. Offenders in stage 3 normally get one third remission and the training begins about 12 months before this time. Offenders not selected for third stage serve five-sixths of their sentence: initially these men did not have any pre-release training, although, more recently, many have been able to spend their last six months in huts within the prison walls whilst undertaking work outside the prison under supervision.

Preventive detention as embodied in the Criminal Justice Act 1948 differs from the previous form in two important respects. Although the sentence allows for the possibility of early release under very exceptional circumstances such as serious ill-health [the Prison Commission must certify that the offender is in a fit condition for preventive detention initially], the power of release is very much less wide than the one embodied in the 1908 Act. [This gave the power to release an offender "whenever it should seem possible for him to engage in honest employment".] The second difference is that whereas it was previously necessary for an offender to have been given a sentence of at least three years' penal servitude, the present Act only requires that the offender

should be convicted on indictment of an offence punishable with a term of imprisonment of two years or more. It is, therefore, possible for an offender to receive a sentence of preventive detention for an offence for which, had he not been a persistent offender with a known record, he would have been unlikely to receive a sentence of two years' imprisonment even though this was a statutory possibility.

The 1908 Act distinguished between the nature of the offence which brought the offender to court and the offender as an anti-social person. Since under this Act the offender must be given penal servitude for three years or longer before he could be classed as a habitual offender, it is not surprising that juries hesitated so to classify the offender and so add to what was already a fairly substantial sentence. This is especially so since the jury was called upon to assume a different role and to use its judgment on a matter quite different from that of deciding a man's guilt. The old form of sentence did not cover the very petty offender at all.

The present Act removes this difficulty by setting out more precisely what constitutes a habitual offender instead of leaving this to a jury, and at the same time it covers the relatively trivial offender. This type of criminal presents one of the main problems of persistent offending and one difficulty of implementing the 1948 Act is that there is no distinction between that part of the sentence given for the offence and that given for the type of offender. Under the 1908 Act it was easier to apply an indeterminate sentence since, once the sentence for the crime had been served, the subsequent preventive detention could only be justified for the protection of the public and hence early release when the offender appeared to be able to profit was logical.

There has recently been some evidence of a movement away from using preventive detention purely to protect society or as a penalty designed to suit the type of offender rather than the offence of which he is convicted. In the case of *R. v. Grimwood* at the Court of Criminal Appeal on 19th March 1958, Mr. Justice Streatfeild, in modifying the sentence of eight years' preventive detention passed on the appellant by the Recorder of Norwich to one of imprisonment for two years, said that "the recorder in passing a sentence of eight years' preventive detention was no doubt actuated by the thought that the appellant was a petty pilferer and it was necessary to protect the public, but in the opinion of the Court a sentence particularly of preventive detention ought really to have relation to the gravity of the crime itself". This is repeated when he says that "On the principle that the punishment ought to fit the crime, this Court was under the impression that eight years' preventive detention in the circumstances, although very nearly merited, was an excessive sentence. Having regard to the comparative triviality of the offences, this Court substitutes a sentence of two years' imprisonment". (Details of the appeals against sentence of preventive detention since the 1948 Act and their outcome are given in the introduction.)

As stated in the Prison Commission's pamphlet "Prisons and Borstals", the problem of what should be done to protect the public against the persistent offender beyond giving him repeated sentences of short term imprisonment is one which has not been solved satisfactorily either by the dual sentence embodied in the 1908 Prevention of Crimes Act or the current system under the 1948 Criminal Justice Act.

A practice direction by the Lord Chief Justice (February 1962) stating that offenders were being sentenced to preventive detention too early and that the sentence should be reserved for those nearing or over the age of 40 also states that more reformatory measures should be applied whenever possible and it suggests that sentence of preventive detention hinders a man's prospects of rehabilitation and should be used as a last resort only. It is too early to assess the effect of this measure, although it is clear that it represents a definite stage in the evolution of preventive detention.

Summary

This chapter deals with the history of the sentence of preventive detention as embodied in the provisions of the Criminal Justice Act 1948 and reference is made to some difference between this Act and the previous "dual sentence" of penal servitude and preventive detention under the Prevention of Crime Act 1908. In particular the earlier Act required that a sentence of penal servitude should first be given for the offence and preventive detention could then be given if the jury found the offender to be an habitual criminal. It also contained provision for early release from preventive detention should it be considered that it was possible for him to engage in honest employment.

The current system requires only that the offender must have committed an indictable offence for which the maximum penalty was not less than two years and the offender must be not less than 30 years of age and have been convicted on indictment on at least three previous occasions since he attained the age of 17 of an offence punishable with such a sentence and on at least two of those occasions have been sentenced to borstal training, imprisonment or corrective training. The sentence is only indeterminate to the extent that the offender may receive one-third or one-sixth remission.

Certain decisions of the Court of Criminal Appeal are quoted to show that the attitude towards sentence of preventive detention as being given solely for the protection of society against a particular group of habitual criminals has undergone some change and there is now a tendency for the sentence to be more closely related to the gravity of the current offence.

A recent practice direction by the Lord Chief Justice recommends limiting the use of the sentence to offenders nearing or over 40.

The present system of dividing the sentence of preventive detention into three stages with gradually increasing privileges is described briefly.

PART I

Preventive Detainees compared with liable offenders given other sentences

CHAPTER 2

SUBJECTS INVESTIGATED AND METHOD OF STUDY

WHEN an offender by reason of his current offence and previous history of crime becomes liable to be sentenced to preventive detention, a notice of the intention of the prosecution to prove the previous offences which qualify him for preventive detention must be served upon the offender and upon the court of assize or quarter sessions at which he is due to appear for trial or for sentence, at least three days before the hearing (Criminal Justice Act 1948). Accordingly, it was decided to study all male offenders who in 1956 were served with such a notice. It is the responsibility of the prison governors to compile lists of all offenders served with notice of liability to preventive detention and the prisons concerned were asked to provide the Home Office Research Unit with the names of such offenders. The after-trial calendars were then searched for records of the offenders and these provided the main source of the information on which this report is based.

No after-trial calendars are produced for the appeals committee cases, which totalled 171 and the information on these offenders was, therefore, obtained from the Criminal Record Office at New Scotland Yard and by circulating the preventive detention prisons.

The prison lists contained 1,540 names and of these 1,384 were traced in the way described above. Of the remaining 156 names, 92 were cases in which the defendant was found not guilty or in which the conviction was quashed on appeal. Twenty-one other offenders failed to surrender to bail and the trials of 11 were postponed until 1957. A further six on the list were found not to be eligible for preventive detention on account either of their age or their previous convictions, leaving 26 (under 2%) who could not be traced. The offenders whose trial was postponed to 1957 were not included, as the list already contained offenders whose trial had been carried over into 1956 from 1955.

The calendars varied in layout and in the details of previous history which they included; only those items common to all calendars could be used. Some comments on the variation in calendar records are given in Appendix A1, together with a sample of a typical calendar record.

The additional information provided by the preventive detention prisons, which we have analysed in Part II, is described later.

In order to use the information given in the calendars statistically, the details were extracted and recorded on specially designed schedules and from these punched cards were produced for use in the analysis. This process of recording involved a certain amount of classification and coding. Details of the criteria used are given in Appendix A2.

The following is a replica of an actual offender's schedule used in the analysis. All identifying information has been omitted.

Information from Calendar

DRAFT SCHEDULE

- 1 Court..... Harrow ☐
 2 Name of offender.....
 3 C.R.O. number of offender.....
 4 Age of offender..... 63
 5 Occupation of offender..... Mullwright ☐
 6 Total number of all known offences
 Excluding previous T.I.O. and very
 minor offences 18 ☐ 2

RECORD OF MOVEMENT

- 7 Number of different Counties in which
 offender found guilty
 Excluding very minor offences 4 ☐ 4
 8 Total number of appearances
 Excluding minor offences 10 ☐ 10
 9 Offences committed outside
 England and Wales D.N.A.
 Number in Scotland ☐ X
 " " Ireland ☐ X
 " " Elsewhere ☐ X
Figure Courts Martial overseas

PREVIOUS OFFENCES

- 10 Total number of previous
 convictions for indictable
 offences 5 ☐ 5
 11 Victims of previous offences
 Members of offender's household
 or family..... 1
 Other private persons..... 2
 The Employers..... 3
 Shops/stores/warehouses..... 4
 Other than the Employers..... 5
 Nationalised Industries/Crown..... 5
 Excluding Banks and Local authorities..... 6
 Others..... 6
 Multiple..... ☐ 7
 12 Evidence of Specialisation
 No..... ☐ 0
 Yes..... ☐ 1
 together with technique..... ☐ 2
 " " skill..... ☐ 3
 13 Convictions for Drunkenness etc.
 No..... ☐ 0
 Not recently..... ☐ 1
 Only recently..... ☐ 2
 Very few..... ☐ 3
 Several..... ☐ 4
 Many..... ☐ 5
 14 Evidence of Gambling
 No..... ☐ 0
 Yes..... ☐ 1

- 15 Mental instability
 No..... ☐ 0
 Yes..... ☐ 1
 16 Sexual instability
 No..... ☐ 0
 Not recently..... ☐ 1
 Only recently..... ☐ 2
 Slight..... ☐ 3
 Heterosexual..... ☐ 4
 Homosexual..... ☐ 5
 Multiple punch..... ☐ 9
 17 Treatment
 None..... ☐ 0
 Medical..... ☐ 1
 Psychiatric..... ☐ 2
 18 Total number of previous
 penalties excluding those
 for very minor offences 9 ☐ 0

CURRENT OFFENCES

- 19 Committed from..... Harrow ☐ 3
 20 Code of police district..... ☐ 91
 21 Density Code..... ☐ 1
 22 Crime-rate for the Area
 23 Total number of current
 offences of which offender
 found guilty..... ☐ 1
 24 Time-at-risk before arrest
 for current offence
 allowing for full remission 1 day ☐ 1
 25 Were the current
 offences part of one incident
 No..... ☐ 0
 Yes..... ☐ 1
 Mostly..... ☐ 2
 D.N.A..... ☐ 3
 26 Time between Arrest and sentence
3 weeks ☐ 2
 27 If offence/s against property
 give total value of loss
 sustained by victims..... ☐ 3

DRAFT SCHEDULE contd.

28 Victims of current offence/s

Members of offender's household or family 1
 Other private persons 2
 Offender's employer 3
 Shops/stores/warehouse 4
 /Excluding Employer/
 Nationalised Industries/Crown
 /Including Banks and Local Authorities/ 5
 Others 6
 Multiple punch 9

29 If bail was granted how many offences were committed while on bail

☒ X

30 Name of Judge/Chairman/Recorder

☒ 2

31 Pleas to Current offences of which found guilty

Not guilty 1
 Not guilty to some 2
 Guilty 3

IF OFFENDER JOINTLY INDICTED

32 For how many offences of which offender found guilty was offender jointly indicted

☒ X

33 With how many associates was offender jointly indicted

☒ X

34 Age of Associates (compared with that of offender)

Younger 1
 Older 2
 Contemporary 3
 Varied 4
 D.N.A. 5

35 How do the records of these associates compare with that of the offender

No Record 0
 Worse 2
 Better 3
 Varied 4
 D.N.A. 5

36 How do the offences for which associates convicted compare with those of offender

More Serious 1
 Less Serious 2
 Similar 3
 Fewer 4
 More 5
 Varied 6
 D.N.A. 7

37 How do penalties of associates compare with offenders

Similar 1
 Heavier 2
 Lighter 3
 Varied 4
 D.N.A. 5

ORDER/SENTENCE OF THE COURT

38 Reports to the Court

/Excluding Prison Commissioner/

None 0
 Medical 1
 Psychiatric 2
 Probation 3

39 Offences T.I.C.

☒ 0

40 Order/total sentence of Court

7 yrs P.D. ☒ 7

41 If a breach of first order of Court subsequent order/sentence

☒ X

We have found it useful to set out additional information about the offender's criminal history on special charts from which we have calculated certain constants, e.g., the total length of imprisonment served, combinations of previous offences, gaps between offences and so on. In addition the charts provide a useful visual record and basis of classification into types.

The first chart shows the sequence of offences, and the second that of the penalties given for the offences. A third chart shows the time spent undergoing sentences of imprisonment by the length of horizontal lines. This chart is particularly useful in calculating rates of offending according to the time the offender was at liberty.

Chart 2.

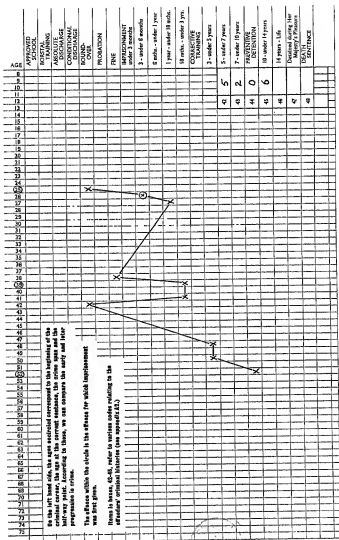


Chart 3.

AGE

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We had to make a special survey initially to discover which offenders were liable to preventive detention, but having done this, all the information subsequently analysed (with the exception of the impressions concerning the working of the Advisory Board) has been obtained from existing records without requiring any special observations in the field.

The analyses made in this report do not by any means exhaust the material available. Indeed, one source—that provided by the preventive detention allocation centre where it is decided to which preventive detention prison the offender shall be sent after serving the first part of his sentence in a local prison—has not been used at all. (R. S. Taylor has produced an analysis of these data in the *British Journal of Delinquency* 1958 for another group of preventive detainees.)

It would seem to us that if better arrangements were made for collating the fairly full information already obtained as a matter of routine, this would be useful to the Courts in relation to sentencing and to the Prison Commission and research workers in evaluating the effectiveness of the treatments.

Summary

This chapter describes how the present study came into being and shows that in order to study the characteristics of the offenders sentenced to preventive detention it was necessary to include also those who were liable to preventive detention but who were given other sentences; accordingly all liable offenders convicted of an indictable offence and recorded in the after-trial calendars for 1956 were included.

The numbers studied were 1,384 of whom 178 were sentenced to preventive detention. No appeals committee records are kept in the calendars and in order to trace this group it was necessary to use information obtained from records at the Criminal Record Office at Scotland Yard.

For the purpose of analysis the information was recorded on specially designed schedules and charts giving details of all offences committed by these men. A replica of one offender's schedule and charts (less identifying material) is shown.

CHAPTER 3

RELATION BETWEEN OFFENDERS LIABLE TO PREVENTIVE DETENTION AND OTHER GROUPS OF OFFENDERS

FROM the nature of the qualification for preventive detention, offenders must be habitual offenders aged 30 or over, and must have been convicted (or sentenced as if convicted) on indictment, and we wish to know whether they have any special characteristics which single them out from other groups of indictable offenders and, more especially, from other persistent offenders.

The position occupied by liable offenders in relation to the age distribution of the population of offenders over 30 (the minimum age of liability to preventive detention) convicted on indictment in 1956 can be shown by comparison with Table 4, Criminal Statistics 1956, which shows the distribution of ages of offenders who were convicted at quarter sessions or assizes.

TABLE 1

Age distribution of all male offenders convicted of indictable offences at quarter sessions or assizes compared with offenders liable or sentenced to preventive detention in 1956

Age in years	Males aged thirty or over convicted at quarter sessions or assizes		Male offenders liable to preventive detention		Male offenders sentenced to preventive detention	
	No.	%	No.	%	No.	%
30-39	3,478	56.4	821	59.2	99	55.7
40-49	1,728	28.0	335	24.3	45	25.3
50-59	716	11.6	160	11.6	26	14.6
60 and over ..	249	4.0	68	4.9	8	4.5
All ages ..	6,171	100.0	1,384	100.0	178	100.0

Offenders liable to preventive detention contain a significantly higher proportion within the 30-39 age group and fewer in the 40-49 age group than the total of offenders aged 30 and over convicted at the higher courts. All groups show a considerable tailing off in numbers as age increases.

The percentage of offenders convicted at the higher courts who were liable to preventive detention in each age group is as follows:—

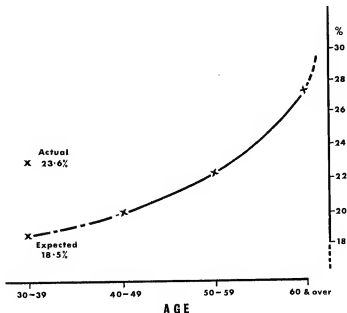
Percentage liable					
30-39	..	..	..	..	23.6
40-49	..	..	..	..	19.4
50-59	..	..	..	..	22.3
60 and over ..	..	..	..	..	27.3

As age increases from 40 onwards, an increasing proportion of offenders convicted at quarter sessions or assizes become liable to preventive detention. It is clear, however, that the figure for age 30-39 is out of line with the rest.

A quadratic equation has been fitted to the points after age 40 and the figure which would be given for the 30-39 age group on this basis is 18.5% (Fig. 3). Therefore if the general relationship of an increasing proportion of offenders becoming liable as age increases were to apply throughout the age range, this would mean that 626 offenders would be liable in the 30-39 age group. The actual number as shown in Table I is 821—a highly significant difference.

Figure 3

Percentage of offenders convicted at the higher courts who are liable to preventive detention



A possible explanation is that, apart from the more usual group of offenders who gradually become liable to preventive detention as they grow older, there is an extra group of criminals who have matured (in a criminal sense) early and who by age 40 or thereabouts, have for one reason or another, ceased to be convicted as frequently as the remainder.

The percentage of liable offenders in each age group who were actually sentenced to preventive detention was as follows:—

					<i>Percentage sentenced to preventive detention</i>
30-39	..	..	..	..	12.1
40-49	..	..	..	..	13.4
50-59	..	..	..	..	16.3
60 and over	..	..	..	..	11.8

Although age 30-39 provides the highest proportion of liable offenders, it does not contain a high proportion of sentences of preventive detention. We shall see in chapter 8 that a large proportion of the younger liable offenders in the 30-39 age group tend to be sentenced to long term imprisonment rather than preventive detention, particularly if they committed a sexual offence or an offence involving violence.

In Table 2, we have compared the types of offence committed by all indictable offenders aged 30 or over and those convicted at quarter sessions or assizes with those of offenders who qualified for or were sentenced to preventive detention.

TABLE 2

Current offences of all male offenders aged 30 or over guilty of indictable offences, of similar offenders convicted at quarter sessions or assizes, and of offenders liable to preventive detention

Offences	All males aged 30 or over convicted of indictable offences		Males aged 30 or over convicted at quarter sessions or assizes		Male offenders liable to preventive detention		Male offenders sentenced to preventive detention for current offence	
	No.	%	No.	%	No.	%	No.	%
Violence against the person (1-15) ..	1,737	5.7	367	6.0	78	5.6	8	4.5
Sexual offences (16-26)	2,517	8.3	1,344	21.8	51	3.7	4	2.2
Receiving, fraud and false pretences (50-54)	3,750	12.4	819	13.3	196	14.1	38	21.3
Breaking and entering (27-36)	2,086	6.9	2,086	33.8	597	43.0	86	48.4
Larceny (37-69)	18,772	62.1	843	13.7	456	33.1	41	23.0
Other (56-70)	1,364	4.5	712	11.6	6	0.4	1	0.6
All offences combined	30,226	100.0	6,171	100.0	1,384	100.0	178	100.0
Percentage sentenced to preventive detention		0.6		2.9		12.8		100.0

The most outstanding feature is that in these four groups the proportion of breaking and entering increases progressively from left to right until, in the preventive detention group, this offence contributes nearly half of the total. There was also a progressive increase in fraud or false pretences.

Breaking and entering offences are not usually committed by older offenders nor is the high proportion of these offences among liable offenders accounted for by the fact that they represent the most persistent group of offenders. The distribution of this type of offence committed by offenders with as many previous offences, as given in Appendix 8 to the Prison Commission Report, was quite different from that of liable offenders (Table 3).

TABLE 3

Persons received into prison during 1956 with six or more previous proved offences

	Number of previously proved offences						Estimated offence distribution of PD liable offenders	Actual offence distribution of PD liable offenders
	Six to ten		Eleven to twenty		Above twenty			
	No.	%	No.	%	No.	%	No.	%
Violence against the person (1-15) ..	274	6.2	121	5.5	32	6.4	81	5.9
Sexual offences (16-26)	183	4.1	67	3.0	16	3.2	46	3.3
Breaking and entering, robbery, etc. (27-36)	1,370	30.8	607	27.4	85	17.0	324	23.4
Larceny (37-49)	2,103	47.3	1,124	50.7	296	59.2	747	54.0
Receiving, false pretences, other fraud (50-54)	436	9.8	248	11.1	56	11.2	157	11.4
Other (56-70)	76	1.7	50	2.2	15	3.0	29	2.1
All offences	4,442	100.0	2,217	100.0	500	100.0	1,384	100.0

From the Report of the Commissioners of Prisons 1956, Appendix 8, Table IIIA (Figures in brackets refer to the Criminal Statistics offence numbers).

The estimated offence distribution is the distribution of offences which would have resulted if the liable offenders had been drawn from the Prison Commission offenders who had committed the same number of previous offences. It will be seen that, as the total number of offences increases, the proportion of larceny offences increases and that of breakers decreases.

The actual offence distribution in the last column shows that the liable offenders form a quite different series. From a consideration of the number of previous offences committed by this group, they should have fewer breakers than the Prison Commission series whereas they have many more.

The liable offenders and, even more, those sentenced to preventive detention, therefore appear to represent the most persistent offenders before the courts and as such the most criminally mature offenders. But, in addition, they possess the special characteristic of being drawn very extensively from breaking and entering offenders at ages when this offence normally tends to decrease.

Summary

The proportion of preventive detention sentences in any year since the 1948 Act varies from 2.6% (1959) to 4.5% (1954) of the number of convictions at quarter sessions or assizes for men aged 30 or over. However, the sentences given are so long that they present a fairly substantial problem in terms of the prison accommodation required to house them. Furthermore, there are approximately eight times as many liable offenders as those actually sentenced to preventive detention. Fig. 3 suggests that a proportion of persistent offenders become liable merely by virtue of ageing and that they do not form a distinct group from other persistent offenders (apart from a small group in the thirties who mature—in the criminal sense—early).

The proportion of breaking and entering increases from the non-labile group to the liable groups of comparable age and from the liable offenders to those actually sentenced to preventive detention. This increase in the proportion of breaking and entering offenders appears to be a very special characteristic of preventive detainees, for we found that the preventive detainees still showed an excess whereas the general tendency is for more persistent offenders to have a smaller proportion of breakers among them as the total number of offences increases.

The present investigation is concerned primarily with that section of the criminal population which is liable to preventive detention, but comparison with other groups of persistent offenders shows that both the offenders who are sentenced to preventive detention and those who, although liable, are given other sentences, have many characteristics in common with other persistent offenders. Many of the findings from the present study will therefore apply also to some extent to these other groups.

CHAPTER 4

SPECIAL INVESTIGATION OF OFFENDERS LIABLE TO PREVENTIVE DETENTION IN 1956. CHARACTERISTICS OF OFFENDERS SENTENCED TO PREVENTIVE DETENTION COMPARED WITH LIABLE OFFENDERS GIVEN OTHER SENTENCES

THE main aim of the study was to compare the characteristics of offenders who were sentenced to preventive detention with those given other sentences; the results for all sentences other than preventive detention have therefore been combined into one group, referred to as the "other sentence group".

In Chapter 9 the main results have been set out separately according to whether the offender was fined, discharged, or placed on probation (treated as one group) and in terms of three groups according to the length of imprisonment.

The major findings in respect of the offender's history prior to the current offence are set out in Table 4 and Fig. 4 and the circumstances of the current offence in Table 5 and Fig. 5 for the 178 men sentenced to preventive detention and the 1,206 men given other sentences.*

TABLE 4

Criminal histories of offenders sentenced to preventive detention or given other sentences

	Preventive detention group Total 178		Other sentence group Total 1,206		All offenders liable to preventive detention Total 1,384	
	No.	%	No.	%	No.	%
<i>Total number of convictions</i>						
Under 10	3	1.7	96	8.0	99	7.1
10-19	55	31.0	656	54.3	711	51.4
20-29	68	38.2	348	28.9	416	30.0
30-39	37	20.8	81	6.7	118	8.5
40 and over	15	8.4	25	2.1	40	2.9
<i>Appearances at court</i>						
Under 10	20	11.2	382	31.7	402	29.0
10-19	121	68.0	719	59.4	840	60.7
20-29	33	18.5	97	8.0	130	9.4
30-39	4	2.2	8	0.7	12	0.9
<i>Previous qualifying appearances</i>						
3	22	12.4	299	24.9	321	23.2
4 or 5	63	35.4	546	45.3	609	44.0
6 or 7	48	27.0	251	20.8	299	21.6
8 or 9	28	15.7	77	6.2	105	7.6
10 and over	17	9.5	33	2.8	50	3.6

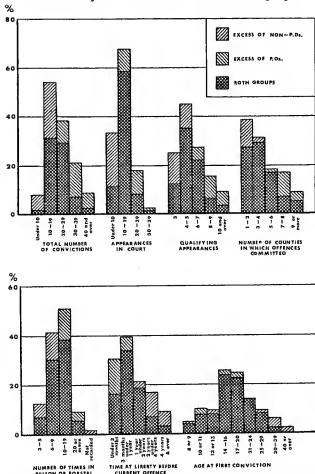
* A small part of the information was not available for the appeals committee cases. Certain other characteristics were only studied on one third of the "other sentence group" which was available for an interim analysis. Where the number in the group differs from that of the full sample it is given, otherwise all cases may be assumed to have been included.

TABLE 4—*contd.*

	Preventive detention group Total 178		Other sentence group Total 1,206		All offenders liable to preventive detention Total 1,384	
	No.	%	No.	%	No.	%
<i>Number of counties in which offences committed†</i>						
1 or 2	49	27.5	436	39.2	—	—
3 or 4	52	29.2	349	31.4	—	—
5 or 6	32	18.0	189	17.0	—	—
7 or 8	30	16.9	83	7.5	—	—
9 or more	15	8.5	56	5.0	—	—
<i>Number committing offences outside England or Wales†</i>	47	26.4	150	13.8	—	—
<i>Previous treatments received†</i>						
Probation	62	34.8	340	30.5	—	—
Approved school or borstal ..	71	39.8	448	37.1	—	—
Corrective training	26	14.8	205	17.0	—	—
Preventive detention	31	17.4	48	4.1	—	—
Imprisonment	178	100.0	1,113	100.0	—	—
<i>Number of times in prison or borstal*</i>						
3-5	13	7.3	50	13.1	—	—
6-9	56	31.4	161	42.1	—	—
10-19	93	52.2	150	39.3	—	—
20 or more	16	9.0	19	5.0	—	—
Not recorded	—	—	2	0.5	—	—
<i>Most common offence in past†</i>						
Fraud	30	16.8	96	8.5	—	—
Larceny	68	38.2	551	49.6	—	—
Breaking and entering	72	40.5	401	36.0	—	—
Violence against the person ..	1	0.6	6	0.5	—	—
Sex offences	1	0.6	8	0.7	—	—
Mixed offences	6	3.3	51	4.6	—	—
<i>Time at liberty before current offence</i>						
Under three months	55	30.9	197	16.5	252	18.2
Three months to less than one year	72	40.5	418	34.7	490	35.4
One year and under two years ..	34	19.1	259	21.5	293	21.2
Two years and under four years	12	6.7	213	17.6	225	16.3
Four years and over	5	2.8	119	9.8	124	9.0
<i>Age at first conviction*</i>						
8 or 9 years	8	4.5	15	3.9	—	—
10 or 11 years	18	10.5	31	8.1	—	—
12 or 13 years	15	8.4	34	8.9	—	—
14-16 years	47	26.4	93	24.3	—	—
17-20 years	46	25.8	89	23.3	—	—
21-24 years	25	14.0	54	14.2	—	—
25-29 years	15	8.4	35	9.2	—	—
30-39 years	4	2.2	23	6.0	—	—
40 or over	—	—	8	2.1	—	—

* Based on one third sample only $n=382$ † Less Appeals Committee cases $n=1,113$

Figure 4

Distributions of characteristics in P.D. and non-P.D. groups

The first three items may be discussed together since they apply to the extent of the offender's criminal activity. The total number of offences committed (including any offences taken into consideration at the current appearance but excluding such offences connected with previous appearances), the total number of court appearances which the offender has made and also the number which qualified him for preventive detention are all greater in the group which was sentenced to preventive detention than in the other group. About three times

as many of the offenders sentenced to preventive detention as of the remainder had committed 30 or more offences or had eight or more qualifying convictions and more than twice as many had been convicted by the courts on 20 or more occasions. Twelve per cent of the offenders sentenced to preventive detention had committed only the three indictable offences necessary to qualify them for preventive detention, compared with 25 % of the other group. As one might expect in view of the greater number of offences committed by the preventive detention group, these men had operated more widely throughout the country (offended in more counties on average) and more had committed offences outside England and Wales. The number of previous imprisonments served was also somewhat greater in the preventive detention group. However, when the number of times an offender has been sent to prison is expressed as a proportion of the total number of times he has been sentenced by the courts, the figure is considerably lower for offenders sentenced to preventive detention; 55 % compared with nearly 80 %. This suggests that although the offenders sentenced to preventive detention were on the average more persistent offenders, their previous offences were possibly more trivial, since almost half the convictions had not been sufficient to warrant imprisonment. This interpretation is also borne out by the fact that the excess of qualifying appearances, that is, the convictions on indictment punishable by imprisonment for a term of two years or more, for the group sentenced to preventive detention was much less than the difference in the total number of appearances (although the *proportion* of appearances which qualified was not significantly lower among the preventive detainees).

Evidence of a qualitative difference in the offences committed by men currently sentenced to preventive detention or given other sentences is provided by a classification of their most common offence in the past. Offenders were sorted into groups according to whether their most common offence in the past consisted of larceny, fraud, breaking and entering, sexual offences or violence against the person. In a number of cases this classification was not possible as the offenders had committed various types of offence with no apparent preference for one type; these were therefore described as mixed offenders. Breaking and entering was the most common offence committed by the offenders who were sentenced to preventive detention, with larceny a close second; offenders given other sentences were convicted of larceny most often, followed by breaking and entering. These two types of offenders contributed 79 % and 86 % respectively of the offenders sentenced to preventive detention or given other sentences.

All offenders in the sample must have served at least two sentences of imprisonment previously and there were only slight differences in other kinds of treatment which the two groups had been given. A considerably greater proportion of the men sentenced to preventive detention than of those given other sentences for the current offence had already served a sentence of preventive detention, but slightly fewer had received corrective training. The number previously sentenced to approved school or borstal training was very high in both groups, 40 % and 37 % respectively (the difference between these percentages is not significant).

The age at which an offender commits his first offence is prognostic of the likelihood of his committing a further offence* and also, though to a lesser

* Home Office Research Unit unpublished reports on Scottish Offenders.

extent of the offender's persistence in his criminal career. The offenders sentenced to preventive detention had committed more offences and had appeared before the courts more often than other offenders although they were about the same age at the time of their current conviction. We might therefore expect them to have begun their criminal careers earlier. The results of the analysis show that there was only slight difference in this respect; nearly half the offenders in both groups had begun offending before age 17. There was however, an excess of offenders whose first offence occurred as late as age 30 in the group not sentenced to preventive detention. With this exception the group sentenced to preventive detention must therefore have offended at a greater rate. The interval before the current offence was shorter for the majority of men sentenced to preventive detention than for the other group; a little over 70% of the preventive detention group had been at liberty less than one year since their last offence, compared with just over 50% of the other sentence group. (These times allow for any period spent in prison for the last offence, on the assumption that the offender received the maximum remission of sentence.)*

Other aspects of the offender's history prior to the current offence studied were:—previous charges of drunkenness or gambling, evidence of previous mental instability or subnormality (previous sentences involving mental treatment) and attempted suicide. The evidence provided by the calendars in these respects was variable and any differences between the groups must be treated with caution. In any case the number of offenders with any positive information was small. Twenty per cent of offenders not sentenced to preventive detention had had previous charges involving drunkenness compared with only 12% of those sentenced to preventive detention. All except one of the charges of attempted suicide were also found among the group not sentenced to preventive detention. The number of records of mental treatment was negligible in both groups.

Details of current offences are set out below in Table 5 and in Fig. 5.

TABLE 5

Characteristics associated with the current offences of offenders sentenced to preventive detention or given other sentences

	Preventive detention group Total 178		Other sentence group Total 1,206		All offenders liable to preventive detention Total 1,384	
	No.	%	No.	%	No.	%
<i>Current offence</i>						
Fraud	20	11.2	94	7.8	114	8.2
Larceny (incl. receiving) ..	44	24.7	429	35.6	473	34.2
Breaking and entering	80	45.0	491	40.7	571	41.3
Violence against the person ..	7	3.9	53	4.4	60	4.3
Sex offences	4	2.2	44	3.6	48	3.5
Other offences	1	0.6	5	0.4	6	0.4
Mixed offences	22	12.4	90	7.5	112	8.1

* Loss of remission sufficient to affect the results appreciably would be extremely rare.

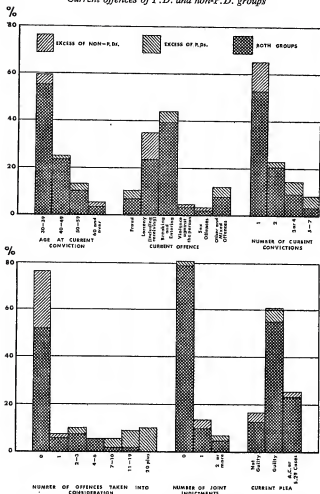
TABLE 5—*contd.*

	Preventive detention group Total 178		Other sentence group Total 1,206		All offenders liable to preventive detention Total 1,384	
	No.	%	No.	%	No.	%
<i>Number of current convictions</i>						
1	95	53.4	801	66.3	896	64.7
2	41	23.0	255	21.2	296	21.4
3 or 4	27	15.2	113	9.3	140	10.2
5-7	15	8.4	37	3.1	52	3.8
<i>Age at current conviction</i>						
30-39	99	55.7	722	60.0	821	59.2
40-49	45	25.3	290	24.0	335	24.3
50-59	26	14.6	134	11.1	160	11.6
60 and over	8	4.5	60	5.0	68	4.9
<i>Number of offences taken into consideration</i>						
0	94	53.8	934	77.3	1,028	74.3
1	12	6.7	84	7.0	96	6.9
2-3	18	10.5	84	7.0	102	7.4
4-6	10	5.6	64	5.3	74	5.3
7-10	9	5.0	17	1.4	26	1.9
11-19	17	9.5	13	1.1	30	2.2
20 plus	18	10.0	10	0.8	28	2.0
<i>Number of joint indictments*</i>						
0	147	82.5	306	80.3	—	—
1	18	10.1	57	14.7	—	—
2 or more	13	7.3	19	5.0	—	—
<i>Current plea</i>						
Not guilty	23	13.6	210	17.4	233	16.8
Guilty	111	61.8	680	56.3	791	57.2
Appeals committee or Section 29 Cases	44	24.6	316	26.3	360	26.0
<i>Current Sentence</i>						
Fine or discharge	—	—	88	7.3	88	6.3
Probation	—	—	110	9.1	110	7.9
Imprisonment under 1 year	—	—	108	9.0	108	7.8
1 year to under 3 years	—	—	501	41.5	501	36.2
3 years to under 5 years	—	—	269	22.4	269	19.4
Over 5 years	—	—	130	10.4	130	9.4
Preventive detention						
5 years	8	4.5	—	—	8	0.6
6-7 years	121	68.0	—	—	121	8.7
8 or more	49	27.5	—	—	49	3.5

* Based on one third sample $n=382$

The results of Table 5 show that 25% of the current offences of the preventive detention group consisted of larceny compared with 36% of the offences of the group not sentenced to preventive detention but the offenders sentenced to preventive detention had higher proportions of fraud, breaking and entering offences and combinations of more than one type of offence.

Figure 5
Current offences of P.D. and non-P.D. groups



Forty-seven per cent of all offenders sentenced to preventive detention were convicted of more than one offence compared with 34% of the other group. Further, of those convicted of multiple offences, the number of offences committed was greater in the preventive detention group. In both groups rather less than one-fifth of the offenders were jointly indicted with other offenders.

The circumstances of the other offenders jointly indicted with members of the sample have been studied; the joint indictments mostly concerned one other offender only, generally a younger person with a less serious record, and the penalties given to the other offenders were lighter. There were no consistent differences between the preventive detention and other sentence groups in respect of these joint indictments. Forty-seven per cent of offenders sentenced to preventive detention also had at least one offence taken into consideration compared with 23 % of the group given other sentences; the number of offences taken into consideration was considerably greater in the group sentenced to preventive detention, averaging six per offender concerned compared with four for the offenders given other sentences.

The current plea was generally one of "guilty"; only 17 % of offenders given sentence other than preventive detention and 13 % of those sentenced to preventive detention, pleaded not guilty but a further 25 % and 26 % respectively were section 29 cases committed to quarter sessions or to the appeals committee respectively for sentence (in these cases the plea in the lower court was not recorded). Bail was granted to only 3 % of offenders sentenced to preventive detention and to about 15 % of other offenders (estimated from one-third sample).

Some idea of the seriousness of the current offences can be obtained from a consideration of the money or value of the goods stolen or the amounts involved in the frauds. If the value of the property had not already been assessed, we estimated the value of the articles enumerated and analysed it within the broad limits given in Table 6. The information was sufficient to allow this to be done in 75 % of the offences against property for which the offender was sentenced to preventive detention, but only in 46 % of property offences of offenders given other sentences. (The reason for this low figure was that insufficient information was available for most section 29 cases.)

TABLE 6

Value of goods or money involved in property offences

	Preventive detention group		Other sentence group		All property offenders	
	No.	%	No.	%	No.	%
Less than £1	6	5	53	11	59	10
£1 to less than £10	37	30	168	34	205	33
£10 to less than £100	49	40	190	38	239	38
£100 to less than £1,000	26	21	83	16	109	17
£1,000 and over	5	4	6	1	11	2
Total costed	123	(75 %)	500	(46 %)	623	(50 %)

Forty-three per cent of all the offences costed involved less than £10 and only 19 % were for £100 or more. The offences can therefore, in general, be regarded as relatively trivial (especially as the cases where the goods or amounts of money were not stated are unlikely to include any large amounts). Rather more offenders in the preventive detention group than in the other sentence

group had amounts of £10 or more (65% compared with 56%), but when the type of offence was considered it was found that the difference was mainly in the frauds and other offences rather than in the larcenies, the percentages within the different ranges being as follows:—

	Larceny		Other offences	
	Preventive detention group	Other sentence group	Preventive detention group	Other sentence group
	%	%	%	%
Less than £1	7	13	4	10
£1 to less than £10	35	32	27	40
£10 to less than £100	42	43	39	30
£100 to less than £1,000	16	11	24	19
£1,000 or more	0	1	6	1

In the following table the results obtained from our investigation are compared with the results of an unpublished study "A Survey of the first hundred men received at the Preventive Detention Allocation Centre, Wandsworth, in 1956" by R. S. Taylor.

TABLE 7

Present results compared with the first hundred men received at the Preventive Detention Allocation Centre, Wandsworth, in 1956

	1 Group sentenced to preventive detention	2 Group given other penalties	3 Wandsworth sample (preventive detention)
Mean age at first conviction	17 years	18 years	18 years
Mean age at current conviction	42 years	41 years	40 years
Mean number of offences	25	21*	—
Mean number of court appearances	16.5	12.7*	15†
Mean number of indictments	6.2	5.0*	—
Mean number of current offences	1.8	1.3*	—
Mean number of offences T.I.C.	6.8	0.9*	—
Mean time already spent in prison	11.0 years	7.8 years*	11.5 years
Mean time at liberty before current offence	9 months	17 months*	9 months
Mean length of current sentence of imprisonment or p.d.	8.6 years	1.7 years	8 years
Average amount of money involved in offences against property (Known cases only)	£160	£95	£280‡
Larceny cases only	£82	£83	—

* Difference between groups 1 and 2 significant at 1% level.

† Referred to as previous convictions.

‡ Excluding one case involving £37,000.

There are only minor differences between the present group sentenced to preventive detention and the Wandsworth sample. The chief difference is that a few offenders in the Wandsworth group had apparently committed offences involving much larger sums of money.

The most important result arising from this part of the analysis is the very wide range of conditions met with among offenders liable to preventive detention. This applies to the amount and type of offending, the previous sentences, the offenders' ages and the time when they began their criminal careers.

In general the findings suggest that the courts' sentencing is rational in so far as the men sentenced to preventive detention had more extensive criminal careers than the liable offenders given other sentences, and they also included more breakers and fewer larceny offenders than the liable group. They also contained more offenders currently convicted of fraud and, in this group, their offences involved larger amounts of money. For larceny offences, the amounts did not, however, differ among those sentenced to preventive detention compared with those given other sentences, nor did the differences in past sentences appear to affect the current sentences markedly.

Nevertheless, the offenders sentenced to preventive detention varied widely in the previous sentences they had been given; more than 60% had been imprisoned at least ten times, 40% had already served a sentence of imprisonment for five years or longer, and 17% had also served a previous sentence of preventive detention. By contrast, slightly over 15% of the offenders had never been given a sentence of corrective training or imprisonment of as much as three years, prior to their present sentence of preventive detention.

The last sentence before the current sentence of preventive detention also shows this variability very clearly; 6% had been fined, placed on probation or discharged on their last offence, 11% received sentences of imprisonment of less than one year, 43% from one to two years imprisonment, 21% three to four years and 11% five years or longer.

This wide range of characteristics of offenders liable to preventive detention is also reflected in the range of penalties given for the current offence, since in addition to the 13% sentenced to preventive detention, 9% were given sentences of imprisonment of over five years, 19% three to under five years, 36% one to under three years, 8% under one year, and 14% (more than the proportion sentenced to preventive detention) were discharged or put on probation.

Summary

Offenders liable to preventive detention, whether actually sentenced to preventive detention or not, show great variability in all the characteristics studied.

The variability is paralleled by the sentences given, which range from probation or fine (14%), imprisonment under one year (8%), one but less than three years (36%), three years and over (29%) and preventive detention (13%).

The aim of this part of the investigation was to compare the factors which resulted in preventive detention compared with other sentences. The main differences in the histories of the offenders sentenced to preventive detention and given other sentences are set out in Tables 4 and 5. The main factors

which differentiated the group sentenced to preventive detention from those given other sentences were:—Total number of convictions, appearances before the court and qualifying appearances. The number of previous sentences of imprisonment was also greater in the preventive detention group. The types of previous penalties given did not distinguish between the groups unless these included a previous sentence of preventive detention. The current offence or the most common offence in the past more usually consisted of breaking and entering or fraud and less often of larceny than for offenders given sentences other than preventive detention. Very few offenders had committed offences of violence or sexual offences, either at their current conviction or in the past. The interval since the previous conviction was less in the group sentenced to preventive detention and there were more additional convictions, joint indictments and offences taken into consideration and the amounts involved in property offences was greater. In all these respects the group sentenced to preventive detention was worse than the other group. There was no difference in the average age or in the ages at which the offenders were first convicted (both groups of offender tended to have committed their first offence at a relatively late age).

The results of the present study are compared with those obtained by R. S. Taylor at the Wandsworth Preventive Detention Allocation Centre in 1956.

CHAPTER 5

THE PROPORTION OF LIABLE OFFENDERS WITH DIFFERENT CHARACTERISTICS SENTENCED TO PREVENTIVE DETENTION

ALTHOUGH it is clear from Tables 4 and 5 in the previous chapter that certain characteristics of offenders make them more likely to be sentenced to preventive detention than others, it is not obvious just how vulnerable the groups with these characteristics are. This can be seen most easily by expressing the results in the form of the percentage of the group possessing the characteristic which is given a sentence of preventive detention.

12·8% of all liable offenders were actually sentenced to preventive detention and the percentages of offenders with different characteristics receiving this sentence are shown below for comparison with this overall figure.

Table 8 shows the results only for those factors which have some effect on the preventive detention rate. (The most important factors are also shown diagrammatically in Fig. 6.)

TABLE 8

Percentage of liable offenders with different characteristics sentenced to preventive detention

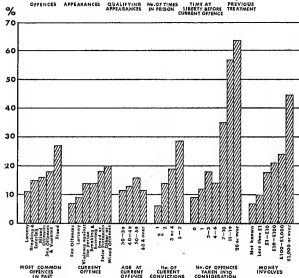
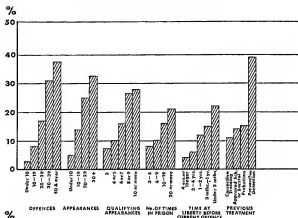
	Number in group	Percentage sentenced to preventive detention
<i>Offences</i>		
Under 10	99	3
10-19	711	8
20-29	416	17
30-39	118	31
40 and over	40	38
<i>Appearances</i>		
Under 10	402	5
10-19	840	14
20-29	130	25
30+	12	33
<i>Qualifying appearances</i>		
3	321	7
4 or 5	609	10
6 or 7	299	16
8 or 9	105	27
10 or more	40	28
<i>Number of times in prison</i>		
3 to 5	63	8
6 to 9	217	10
10 to 19	243	16
20 or more	35	21
<i>Time at liberty before current offence</i>		
Under 3 months	252	22
3 months to under 1 year	450	15
1 to under 2 years	293	12
2 to under 4 years	225	6
4 years or longer	124	4

TABLE 8—*contd.*

	Number in group	Percentage sentenced to preventive detention
Previous corrective training ..	231	11
Previous approved school or borstal	519	14
Previous preventive detention ..	79	39
Previous probation	409	15
<i>Most common offence in past</i>		
Larceny	619	11
Breaking and entering	473	15
Mixed offences	126	16
Sexual offences and violence ..	16	18
Fraud	57	27
<i>Current offence</i>		
Sex offences	48	7
Larceny	473	9
Violence against the person ..	60	14
Breaking and entering	571	14
Fraud or false pretences	114	18
Other or mixed offences	118	20
<i>Age at current offence</i>		
30-39	821	12
40-49	335	13
50-59	160	16
60 and over	68	12
<i>Number of current convictions</i>		
1	896	6
2	296	14
3 or 4	140	19
5-7	52	29
<i>Number of offences taken into consideration</i>		
0	1,028	9
1	96	12
2-3	102	18
4-6	74	14
7-10	26	35
11-19	30	57
20 or over	28	64
<i>Amount of money involved</i>		
Non-property offences	108	10
Not known	621	7
less than £1	59	10
£1 to less than £10	205	18
£10 to less than £100	239	21
£100 to less than £1,000	109	24
£1,000 or over	11	45
<i>Current plea</i>		
Not guilty	233	10
Guilty	791	14
Appeals committee (section 29) cases	360	12

Figure 6

*Percentage of liable offenders with different characteristics
sentenced to preventive detention*



These values give a rough scale of equivalence for purposes of saying whether an offender having become liable to a sentence of preventive detention is likely to receive one. It does not follow that these conditions alone are responsible for the sentence, for they may render an offender particularly vulnerable, not so much on their own account, but because they are usually associated with some other characteristics which cause the offender to receive a sentence of preventive detention.

The first three factors are closely related and any of them could be taken as indicating the extent of past criminal activity. (The number of counties in which an offender had operated also bears a relation to the frequency of sentence of preventive detention but this is because the spread of crime is associated with the number of offences in the past. When this is allowed for there is little residual effect; it has not, therefore, been included in the table.) The number of sentences of imprisonment served also depends upon the number of appearances before the courts and, on its own, it is a less effective guide than the above.

A previous sentence of preventive detention increases the chance of preventive detention for the current offence, but other forms of treatment make little difference to the expectation.

The longer the time at liberty the less the likelihood of preventive detention; for the offenders who have been at liberty for two years or more, the proportion receiving this sentence falls to less than one quarter compared with those offending within three months of their last offence. (At the Court of Criminal Appeal; *R. v. Turner* December 1961 the Lord Chief Justice said "A man who has shown that he is capable keeping out of trouble for more than two years is not a fit subject for preventive detention.") This factor is not closely related to the number of offences or court appearances.

Certain current offences receive sentences of preventive detention less frequently than others, for example, sexual offences and larceny are less likely than fraud or breaking and entering offences to receive this sentence; mixed offences most often result in sentence of preventive detention. The last is probably because there must be at least two current convictions and the proportion sentenced to preventive detention increases sharply according to the number of convictions.

The most important single aspect of the current conviction is the number of offences taken into consideration; the percentage sentenced to preventive detention increases sevenfold for offenders with 20 or more offences compared with those without any. Offenders convicted of more than one offence also received sentence of preventive detention more often than those with one conviction only, the frequency increasing fivefold when the number of convictions rises to five or more.

The amount of money involved in the current offence affected the proportions sentenced to preventive detention, but most of the amounts over £100 were concerned with frauds.

The bearing on sentence of the association between the most important aspects of the criminal history and the current offence will be considered next.

Summary

It was clear from the previous chapter that certain characteristics of offenders make them more likely than others to be sentenced to preventive detention but it was not obvious just how vulnerable are the groups with these characteristics. This can be seen most easily by expressing the results in the form of the percentage of the group possessing the characteristic which received a sentence of preventive detention (Fig. 6). Only those factors which affect the percentage of preventive detention are shown.

The first three factors shown in the figure are closely related and any of them could be taken as indicating the extent of past criminal activity. The number of sentences of imprisonment served also depends upon the number of appearances before the courts, but, on its own, it is a less effective guide than the above.

A previous sentence of preventive detention increases the chance of preventive detention for the current offence but other forms of treatment make little difference to the expectation.

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The most important single aspect of the current conviction is the number of offences taken into consideration; the percentage sentenced to preventive detention increases sevenfold for offenders with 20 or more offences compared with those without any.

The amount of money involved in the current offence affected the proportions sentenced to preventive detention, but most of the amounts over £100 were concerned with frauds.

Offenders convicted of more than one offence received sentence of preventive detention more often than those with one conviction only, the frequency increasing markedly with the number of convictions (though not as steeply as for offences taken into consideration).

These values give a rough scale of equivalence for purposes of saying whether an offender having become liable to a sentence of preventive detention is likely to receive one. It does not follow that these conditions alone are responsible for the sentence, for they may render an offender particularly vulnerable, not so much on their own account, but because they are usually associated with some other characteristics which cause the offender to receive a sentence of preventive detention.

CHAPTER 6

METHOD OF STUDYING THE RELATIONS BETWEEN DIFFERENT CONDITIONS AFFECTING SENTENCE

We have seen that various factors in the offender's history such as the number of offences or court appearances, the interval since the last offence, the number of current charges and the offences taken into consideration affect the likelihood of the offender being sentenced to preventive detention. The next problem is whether the influence of these factors is different when they occur together from when they occur singly, and whether particular combinations of the factors are regarded more seriously by the courts than other combinations.

There are two ways of tackling the problem when several variables are involved: one is to set out the various combinations of factors with the proportions of each combination given preventive detention; the other is to use a regression analysis and calculate the relationship between each factor and the sentence, and between each factor and all the other factors, expressing the result in the form of a correlation coefficient or some similar statistic. These coefficients can then be adjusted in order to partial out the effects of associated factors and so obtain the best weightings to be given to each aspect according to the particular combination involved. The most effective combination would then be determined by the highest multiple correlation with the criterion, in this case the sentence of preventive detention. Finally an equation can be drawn up which gives the best weights to produce a score of "vulnerability to preventive detention". The regression method involves certain assumptions about the distributions of the original data and their inter-relations. Provided that these can be met, this is probably the most effective as well as the most rigorous method. Both methods were tried but as the regression analysis added little to the information given by the more direct method and as the data proved less amenable to this method than was hoped, the results are not reproduced here.

Choice of "key" variable when studying sentencing

The direct method of setting out the proportion of preventive detention sentences from particular combinations of factors will now be considered. The factors whose inter-relations will be considered in detail are, (1) number of appearances, (2) time at risk, (3) presence of offences taken into consideration and (4) nature of current offence. These four items have been selected for further treatment as a result of preliminary studies which showed that of the three items concerned with the amount of crime committed by the offender, both the number of convictions and number of court appearances had a closer correlation with sentence than the number of qualifying appearances. The choice between total number of convictions and number of appearances before the courts was made in favour of the latter as the number varied less according to the type of current offence and for some comparisons it was necessary to ignore current offence. A further advantage is that the number of appearances at court is independent of the number of offences taken into consideration, whereas the total number of offences includes these.

In order to follow up reconvictions subsequent to sentence, it is better to use further appearances at court than total number of offences. Separate

appearances at court represent easily defined stages in criminal progression whereas the number of offences committed may or may not correspond to separate occasions of "failure". To count three offences together is not equivalent to three separate appearances before the courts either from the point of view of the problem of rehabilitation or in assessing the deterrent effects of treatments. In order to be consistent with the follow-up phase, we have therefore kept to appearances before the courts.

The current offence was used in preference to the nature of previous offences because this was a simple objective criterion which avoided any subjective judgment and which also appeared to be representative of the offender's past offences.

Before considering these inter-relations further, certain aspects of the relations between the four items and others will be considered.

General effect of age

All the items were analysed initially according to the offender's age. There were certain consistent, if small, differences between younger and older offenders. Older offenders tended to have more previous convictions and appearances before the courts, more joint indictments and a bigger proportion of offences taken into consideration than younger offenders. However, they had longer intervals between their current and previous offences and the amounts of money involved tended to be smaller than was the case with younger offenders; they also pleaded guilty more often.

These differences are sufficient to account for the slight variation in the proportions of sentences of preventive detention with the offender's age. It has not therefore been thought necessary to analyse the combinations of factors and their relation to sentence according to the age of the offender, since any specific effect of age on sentence is likely to be small.

Relation of age at first conviction and age of committing current offence, to current offence group (based on one third sample of liable offenders).

The average age at first conviction according to the major current offence groups was as follows:—

TABLE 9

Current offence	Mean age at first conviction		Mean age at current conviction		
	Preventive detention group		Other sentence group	All offenders	
		years	years	years	
Fraud	20	20.6	35	23.9	48.6
Larceny	44	16.6	119	17.9	42.0
Breaking and entering ..	80	16.2	168	18.2	40.5
Violence	7	18.8	10	20.1	36.1
Sex	4	14.1	14	16.9	42.0
Mixed offences	23	18.4	35	17.1	41.1
All offences	178	16.9	381	18.4	41.7

(One offender's age at first conviction was not recorded.)

Offenders who were sentenced to preventive detention were first convicted somewhat earlier than offenders who were given other sentences but this depended to some extent on the type of offender.

Offenders whose current offence consisted of fraud or false pretences began their criminal careers at a later age than other offenders (this does not necessarily mean that they began to commit frauds at the ages given, since this kind of offence was commonly committed after some experience in other forms of crime).

There are also differences in the average age at the current conviction of offenders convicted of different offences as shown in the last column. Offenders committing fraud or false pretences were oldest, 74% of them being aged 40 or over, followed by mixed offenders (42%), then larceny offenders (39%), breaking and entering offenders (38%), and violence or sex offenders (31%). These differences tended to apply, whether the offender was sentenced to preventive detention or not, and, therefore, the division by penalty is not shown.

Relation between current offence and most common offence in the past

It is of interest to know whether the offenders who become liable for preventive detention tend to commit the same offences now as formerly and whether any changes that have occurred are towards more serious offences or not. We also wish to know how far the particular combinations of current and past offences affect the sentence.

The combinations of current and past offences are shown in Table 10 for the 178 offenders sentenced to preventive detention (figures above the rule) or the 1,113 offenders given other sentences (below the rule).

About 60% of the current offences were of the type which the offender had been committing most frequently throughout his career. This is a significantly higher percentage than would be expected from the total numbers of different current offences and offences committed in the past, if they were independent. Such changes as occurred tended to be from simple larceny to false pretences (sometimes associated with larceny) or to breaking and entering. Changes to more serious offences occurred about as frequently among offenders sentenced to preventive detention as among those given other sentences, hence it cannot be regarded as a reason for the sentence.

Eighty-five per cent of all combinations of current and most common offences consisted of combinations of fraud, larceny and breaking and entering offence groups. This is about the number we should expect from the frequencies of these offences committed currently or in the past. Therefore, apart from the specialisation referred to already, there is little evidence of any preference to commit particular combinations of offences rather than others.

The proportions of different offences which received sentence of preventive detention (irrespective of the most common offence), and also of the most common offence in the past (without regard to the current offence) have been calculated. From these two sets of figures we have calculated the proportion of sentences of preventive detention to be expected from any combination of current and past offences, assuming their effect on sentence to be independent.

TABLE 10

Most common offence in the past

	Fraud or (fraud and larceny)	Larceny	Breaking and entering	Violence	Sexual Offences	Mixed Offences	All past offences combined
<i>Current offence</i> Fraud or (Fraud and larceny)	24	7	2	0	0	0	33
	64	52	5	0	1	1	123
Larceny	5	32	7	0	0	0	44
	18	260	64	1	2	10	355
Breaking and entering	2	24	52	0	0	2	80
	10	174	290	0	0	16	490
Violence	0	1	4	2	0	0	7
	0	20	16	5	0	11	52
Sexual offences	0	1	2	0	1	0	4
	3	18	7	0	4	8	40
Mixed offences	2	2	5	0	0	1	10
	1	27	19	0	1	5	53
All current offences combined	33	67	72	2	1	3	178
	96	551	401	6	8	51	1,113

It was found that where the type of offence committed was the same for the current offence as in the past, there was a tendency for the offenders convicted of fraud, sex offences or violence to be given sentences of preventive detention somewhat more often than might have been expected. This suggests that the courts may possibly be treating these offenders as "professionals" or may think there is hope for an offender who breaks away from his usual offence; other combinations of offences mostly received sentences of preventive detention in the proportion one would expect if the sentence had been given independently for the current offence and the past offences. The χ^2 value between the observed and expected proportions for all cases combined was not significant.

Relation between current offence and number of previous offences

The proportion of sentences of preventive detention given for the current offence may be due to an association between the current offence and the total

number of offences committed or the number of previous appearances at court. The following table shows the mean numbers of offences and appearances according to the offender's current offence.

TABLE 11

Number of appearances and convictions according to current offence.

Current offence	Offenders sentenced to preventive detention		Offenders given other sentences	
	Mean number of appearances	Mean number of convictions (estimated from 1/3rd sample)	Mean number of appearances	Mean number of convictions (estimated from 1/3rd sample)
Fraud	16.5	33	11.0	22
Larceny	17.3	23	14.0	21
Breaking and entering	15.8	25	11.6	18
Sex or violence ..	15.9	21	12.4	14
Mixed offences ..	15.0	27	12.5	22

Larceny offenders, whether they received sentences of preventive detention or not, have the most court appearances and fraud or false pretence offenders, most previous convictions. Despite this, larceny offenders are given preventive detention less often than any others.

In order to isolate the effect of the current offences on sentence it is necessary to allow for differences in the number of appearances associated with them. Sentence of preventive detention may be given to a larceny or sex offender not only because of his current offence but on account of the nature of the offences for which he had previously appeared before the courts and their number; we have already considered the nature of the previous offences and in order to isolate the effect of type of offence from the number of previous appearances we must hold the latter constant. This can be done by comparing the sentences given for different current offences with the same number of appearances, i.e. within groups having less than 10, 10-19, or 20 or more appearances. The numbers in the separate offence/appearance sub-groups are small and we need an overall figure to represent the net relationship between sentence and current offence. The *simplest* way to do this would be to give the numbers of sentences of preventive detention which would result if all offence/appearance sub-groups had the same number of individuals in them, e.g., 100. This, however, gives equal emphasis to the smallest and the largest sub-groups and it would increase the effect of sampling errors. A better way is to weight each offence/appearance sub-group by the proportion which the appearance group contributes to all cases, i.e. 29% for under ten appearances, 61% for 10-19 and 10% for 20 and over (from Table 4). In this way we eliminate differences in the frequencies of the three appearance groups within the current offence groups. The result is the percentage of preventive detention which would apply if the numbers in each current offence group were divided among the three appearance groups in the ratio in which they exist in the whole sample.

TABLE 12

Current offence	Percentage of offenders sentenced to preventive detention	Adjusted percentage (based on equal distributions of numbers of appearances)
Fraud	18	19.6
Larceny	9	8.3
Breaking and entering ..	14	14.5
Sex or violence	9	10.2
Mixed offences	20	19.9

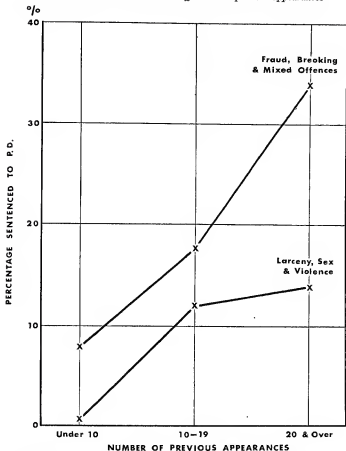
The adjustments do not make very much difference, although larceny now appears as slightly less subject to preventive detention and fraud and sexual offences somewhat more subject than appeared to be the case before. The relations between sentence and number of appearances are not shown separately for each offence but Fig. 7 shows them combined into two groups.

Fraud requires separate consideration because, for this offence, there is a greater difference in the number of appearances according to whether the offender was sentenced to preventive detention or not, than for any other offence (Table 10). The courts tend to sentence fraud offenders to preventive detention mainly if they have had many previous appearances, the proportion so sentenced increasing rapidly with the number of offences committed. Larceny offenders, on the other hand, appear to be sentenced about equally irrespective of the number of appearances above ten. Breaking and entering and mixed offences tend to show a steep gradient similar to that shown by fraud whilst sex and violence react in a similar way to larceny. (See Fig. 7.)

This interaction between sentence, type of current offence and the number of appearances at court means that the effect of the current offence is not constant but varies according to the criminal history. It could be said equally that the effect of number of appearances on sentence also varies according to the nature of the current offence, being greater if the current offence is fraud, housebreaking and mixed offences, and less if it consists of larceny, sex or violence. The extent to which the various offences affect sentence differently according to the number of appearances is shown in greater detail by the following analysis:

If the current offences are arranged in descending order according to the proportion sentenced to preventive detention, separately within the three appearance groups, then if the current offence has the same effect on sentence at these different levels, the order should be the same within the three groups. If, however, the order is different, this would indicate that the effect of a particular type of offence on sentence varied according to the level of offending and the degree of difference in order is given by the rank order correlation (ρ). The rank order correlations between type of current offence within the three appearance groups:—(i) less than ten appearances, (ii) ten to 19 appearances, (iii) 20 appearances or more, were as follows: between (i) and (ii), 0.48; between (i) and (iii), 0.70; and between (ii) and (iii), 0.82. This result shows that the relationship between current offence and sentence is more alike for the offenders with 10–19 and 20+ appearances than it is in either group compared with the offenders with under ten appearances.

Figure 7

Relation between sentence, current offences and previous appearances

The courts therefore appear to regard the relative seriousness of offences somewhat differently according to whether they apply to very persistent or to less persistent offenders.

Additional convictions and offences taken into consideration

An increase in the number of offences taken into consideration at the current appearance resulted in a greatly increased number of offenders being sentenced to preventive detention (Table 8), and a similar trend appeared to

apply to the number of separate convictions. These factors were examined in order to see to what extent the results were due to an association between the two. The results are given below and in Fig. 8 in relation to the number of appearances before the courts.

TABLE 13

*Estimated percentage of offenders sentenced to preventive detention
(based on one third sample of other sentences)*

	Number of appearances before the courts			Total
	Less than 10	10-19	20 and over	
No additional convictions or offences T.I.C.	2.5	9.5	20.4	9.0
Additional convictions only	3.2	12.4	28.5	11.3
Offences T.I.C. only	11.4	28.5	(28.5)	24.2
Additional convictions and offences T.I.C. ..	14.8	25.9	33.5	22.5
All groups	5.9	13.9	24.2	12.8

"T.I.C."=offences taken into consideration when passing sentence.

The second row of the table shows that when there are additional convictions but no offences taken into consideration (second column in Fig. 8), the percentage sentenced to preventive detention is only slightly higher than the percentage of offenders without additional convictions (provided that there are no offences taken into consideration). By contrast, offences taken into consideration (third column), increase the percentage sentenced to preventive detention above the corresponding figure for groups without them, even if there are additional convictions (the group within brackets had few cases). In groups where both are present, the results are only slightly different from those in which there are only offences taken into consideration.

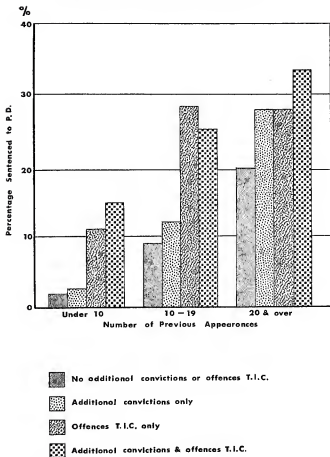
For the purpose of further analysis it is clear, therefore, that offences taken into consideration and not additional convictions should be used.

Twenty-five per cent of all liable offenders had offences taken into consideration but offenders convicted of certain current offences tended to have them more often than others; 5% of sex or violence offenders, 18% of larceny offenders, 32% of fraud offenders, 32% of housebreakers and 42% of mixed offenders had one or more offences taken into consideration at the time of the current conviction.

Table 8 showed that there was a progressive decrease in the percentage sentenced to preventive detention as the interval at liberty before the current offence increased; for offenders with offences taken into consideration the percentage sentenced to preventive detention decreased from 32% to 16%, as the interval increased from under three months to more than two years, and for offenders without offences taken into consideration it decreased from 18% to 2%. The interval at liberty reduces the percentage given preventive detention relatively more when there are no offences taken into consideration than when there are such offences. Presumably this reflects the court's awareness that the offender may not have had a crime-free period in the latter case but may have been committing the offences which are taken into consideration.

Figure 8

Relation between sentence, previous appearances, additional convictions and offences T.I.C.



There is an association between type of offence and interval at liberty. A bigger proportion of larceny offenders than other offenders had been at liberty less than one year from the last sentence (61% compared with 47% for all other offenders).

The proportions of larceny offenders sentenced to preventive detention within the different intervals at liberty have been calculated and a weighted

total produced as described on page 45. The percentage of all larceny offenders sentenced to preventive detention based on the assumption that the intervals had been distributed as for other offences, was 8.2% instead of the actual 9.3%. From Table 11 we saw that larceny offenders also differed from other offenders in having appeared before the courts more often, and from above, that a smaller proportion than average had offences taken into consideration. For this offence the effect on sentence of the smaller number of offences taken into consideration almost exactly counterbalances the effect of the greater number of appearances. The figure of 8.2% therefore represents the true weight given to larceny after allowing for differences in the time at liberty (and also, because of the above equality of their effects, for the number of appearances and proportion of offenders with offences taken into consideration).

Relation between interval at liberty and number of court appearances

The percentage distribution of numbers of appearances before the courts for all offenders with different intervals at liberty before the current offence was as follows:—

TABLE 14

Interval at Liberty	Number of appearances			Total
	Under 10	10-19	20 or over	
Less than 3 months	24	61	15	100
3 months to less than 1 year	24	65	11	100
1 year and under 2 years	29	60	11	100
2 years or over	40	54	6	100
All intervals	29	61	10	100

The group which had been at liberty for only a short time contained the largest proportion of offenders with over 20 appearances before the courts and the group with the longest interval at liberty had most offenders with less than ten appearances: the overall preventive detention rates according to interval, may be expected to be affected by this.

If the proportions of the three appearance groups are equalised in the different interval groups, the resultant percentages of sentences to preventive detention represent the net effect of interval on sentence. The standardised figures are given below for comparison with the actual ones.

TABLE 15

Interval at liberty	Actual percentage sentenced to preventive detention	Adjusted percentage sentenced to preventive detention
Less than 3 months	21.2	19.8
3 months to less than 1 year	15.0	14.5
1 year and under 2 years	11.2	11.0
2 years or over	5.4	5.8

Only the offenders with less than three months interval from their previous offence show any appreciable difference as a result of the adjustment. The effect of the short interval on preventive detention is reduced slightly, part of the unadjusted result being attributable to the higher than average proportion of offenders with more than 20 court appearances in this group. The interval of two years or longer is slightly, but only slightly, less favourable than the unadjusted result, despite the group having a fairly considerably bigger proportion of offenders with few appearances and smaller proportion of offenders with many court appearances. The interval at liberty and proportion of offenders with offences taken into consideration are practically unrelated, so no adjustment is necessary for this factor.

The relation between interval at liberty, offences taken into consideration, number of appearances and sentence

The relations between sentence of preventive detention, number of appearances, length of time the offender has been at liberty since his last offence and whether or not there are any offences taken into consideration are set out in Table 16. Stereo diagrams show these results graphically according to whether there are offences taken into consideration (Fig. 9) or not (Fig. 10).

TABLE 16

Number of appearances, time at liberty and offences taken into consideration

Percentage of offenders sentenced to preventive detention

Interval at liberty		Number of appearances			All appearances
		Less than 10	10-19	20+	
Under 3 months	T.I.C.	10.0	39.4	66.7	32.2
	No. T.I.C.	7.7	19.0	25.9	17.8
	Combined	8.5	23.4	32.5	21.2
3 months to under 12 months	T.I.C.	17.9	22.5	42.9	22.2
	No. T.I.C.	3.8	12.7	25.0	12.3
	Combined	8.6	15.4	27.5	15.0
12 months to under 2 years	T.I.C.	5.6	33.3	50.0	29.2
	No. T.I.C.	1.5	5.9	15.8	5.4
	Combined	2.3	12.4	29.0	11.2
2 years and over	T.I.C.	10.0	20.4	(0)	15.9
	No. T.I.C.	0	2.9	5.6	1.9
	Combined	2.1	7.9	(4.5)	5.4
All intervals	T.I.C.	12.1	26.6	45.0	23.7
	No. T.I.C.	2.4	10.3	20.6	9.2
	Combined	5.0	14.5	25.5	12.8

Figure 9

*Proportion of liable offenders sentenced to preventive detention
with offences taken into consideration*

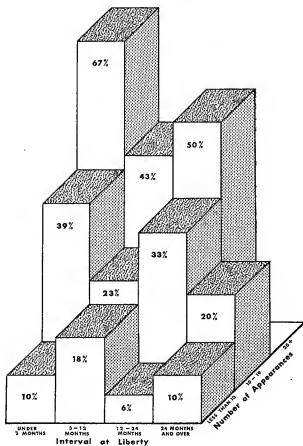
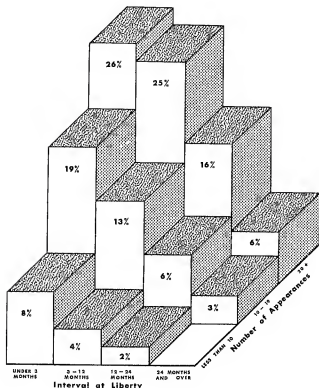


Figure 10

Proportion of liable offenders sentenced to preventive detention without offences taken into consideration



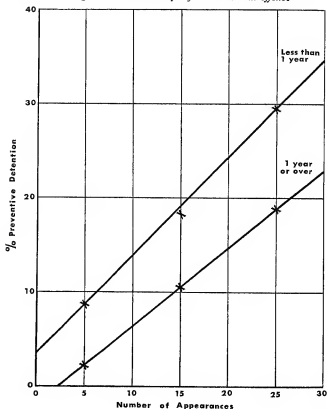
There are a number of points which emerge from the table. The increase in preventive detention with the number of appearances is fairly constant within the different interval groups. (This is rather obscured by the low figure in the group with two years or longer interval and 20 or more appearances, which is lower than for 10-19 appearances, but this is based on only 22 cases.) If the results are combined into two groups, under one year interval and one

year or over respectively, the uniformity shows more clearly. The percentages sentenced to preventive detention lie on two straight lines with only a negligible difference in slope, as shown below and in Fig. 11.

Interval at liberty	Number of appearances		
	Under 10	10-19	20+
Under 1 year ..	8.6%	18.1%	29.5%
1 year or over ..	2.2%	10.1%	18.9%

Figure 11

Effect of number of appearances on sentence of preventive detention according to interval at liberty before the current offence



As the interval at liberty increases, the effect of offences taken into consideration increases. Thus the right-hand column of Table 16 shows that offenders with less than three months at liberty before their last offence have been sentenced to preventive detention nearly 15% more often if they have offences taken into consideration than if they have none (or less than double the percentage). If the interval is two years or longer, the extra percentage sentenced to preventive detention is arithmetically about the same but this amounts to an almost sevenfold increase over the percentage who were sentenced to preventive detention without offences taken into consideration. This finding is reasonable if one supposes that if an offender has been at liberty only a short interval since his last appearance before the courts, it would not be expected to make much difference to his sentence whether he has been offending in the meantime or not (apart from increasing the number of offences committed) whereas if he has not been before the courts for a considerable time but has nevertheless been committing offences during this time, this may be expected to negative the favourable effect of the interval.

The relation between current offence, offences taken into consideration, number of appearances and sentence

The offenders have been sorted according to type of current offence, number of appearances and presence or absence of offences taken into consideration. The results are set out in Table 17 in terms of the percentage of the sub-groups sentenced to preventive detention. Fig. 12 shows the relations between sentence, current offence and number of appearances for all cases. In some groups the numbers with offences taken into consideration are too small to give reliable results, hence the results are not shown separately according to their presence or absence.

The proportion of offenders receiving sentence of preventive detention was just over $2\frac{1}{2}$ times as great for those with offences taken into consideration as for those without any of these offences. This ratio does not differ appreciably, apart from sex offences or violence (in this group the number of offenders with offences taken into consideration is so small that the proportion sentenced to preventive detention is liable to wide fluctuation from the average).

There is some indication, however, that the effect of offences taken into consideration is greatest for offenders with few appearances before the courts. In the group with less than ten appearances the proportion of sentences of preventive detention is five times as great when there are offences taken into consideration as when they are absent. This difference from the general ratio of $2\frac{1}{2}$ to one is significant at the 1% level. The excess of offenders sentenced to preventive detention among these less persistent offenders with offences taken into consideration was mainly due to offenders convicted of breaking and entering or mixed offences. For more persistent offenders, housebreakers with offences taken into consideration were given the proportion of preventive detention which one would expect from the combination of the general preventive detention rates for the current offence and for offences taken into consideration independently. The special tendency to sentence to preventive detention offenders whose offence was housebreaking, and who also had offences taken into consideration, more than would be expected on account of

either circumstance separately, therefore applies only to offenders who have committed few offences. (In Table 16 it was seen that the effect of offences taken into consideration is also greatest for offenders who have been at liberty for one year or longer.)

TABLE 17

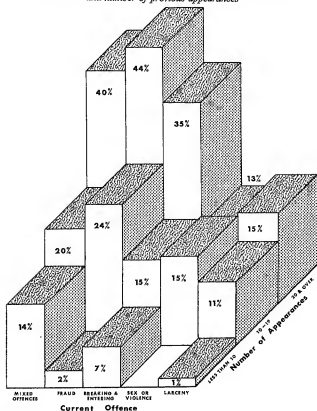
Number of appearances, current offence and offences taken into consideration

Percentage of offenders sentenced to preventive detention

		Number of appearances			All appearances
		Less than 10	10-19	20+	
Fraud	T.I.C.	0	33.3	75.0	27.0
	No. T.I.C.	3.2	19.5	20.0	13.0
	Combined	2.4	24.1	44.4	17.6
Larceny	T.I.C.	4.5	26.9	33.3	21.7
	No. T.I.C.	0	7.6	12.5	6.7
	Combined	1.0	10.9	15.4	9.3
Breaking and entering	T.I.C.	14.5	23.9	50.0	22.8
	No. T.I.C.	3.8	10.3	29.7	10.0
	Combined	7.0	14.8	34.6	14.0
Sex or violence	T.I.C.	0	66.7	—	40.0
	No. T.I.C.	0	12.5	12.5	8.8
	Combined	0	15.0	12.5	11.3
Mixed offences	T.I.C.	25.0	27.6	25.0	26.5
	No. T.I.C.	5.3	14.0	50.0	14.7
	Combined	14.3	19.5	40.0	19.6
All offences	T.I.C.	12.1	26.6	49.9	23.7
	No. T.I.C.	2.4	10.3	20.5	9.2
	Combined	5.0	14.5	25.5	12.8

When there were no offences taken into consideration the preventive detention rates were: fraud or false pretences 13.0%; larceny 6.7%; breaking and entering 10.0%; sexual offences or violence 8.8% and mixed offences 14.7%. In these groups, without offences taken into consideration, the numbers of appearances differ little and the percentages, therefore, represent a fairly clear indication of the court's views of the suitability of preventive detention for these offences uninfluenced by other factors.

Figure 12
*Percentage of offenders sentenced to P.D. according to offence
 and number of previous appearances*



Summary

This chapter deals with the relations between those factors which had been found to be associated with a sentence of preventive detention, in order to see the extent to which the association was a direct one or due to the factor occurring with others which rendered the offender vulnerable.

The method of studying the net effect of the factors was to analyse the data by multiple sorting so that the relation between the relevant factor and sentence could be isolated. Reasons for not using a regression method are given.

Combinations of the following factors taken two at a time are shown in relation to sentence; age at first conviction and current offence; current age

and current offence (Table 9); current age and most common offence in the past in preventive detention and other sentence groups (Table 10). The results tended to show that the combinations of current and past offences resulted in the proportions being sentenced to preventive detention which would be expected if each aspect were considered separately and then added. There was, however, some suggestion that "professional" offenders were sentenced to preventive detention more often than expected. The relation of preventive detention to current offence and number of appearances is shown in Table 11. Larceny offenders tend to have most previous court appearances and sex or violence offenders fewest of both court appearances and offences.

A method of standardising the results to allow for the differences in the frequencies of other factors associated with the factor being studied is described. The adjustment for the different numbers of offences committed by fraud, larceny and other offenders, was applied to the current offences in order to show the direct bearing of current offence on sentence. The result was very little different from the unadjusted one, but larceny offenders were less likely to be sentenced than sex or violence offenders when allowance is made for the greater number of offences they have committed. Two groups of offences, one consisting of larceny, sex and violence offences and the other of the remainder, showed a different interaction with number of offences and sentence (Fig. 7).

The relationship between offences taken into consideration and additional convictions taken together show that the offences taken into consideration affect sentence directly, but the apparent relation to sentence of the number of additional convictions is really due to their association with offences taken into consideration (Table 13).

The interval at liberty affected the proportion of offenders given sentence of preventive detention but this effect was modified if there were offences taken into consideration.

The interval at liberty before the current offence differed according to the type of offence and it tended to counteract the effect of the number of previous convictions among larceny offenders.

Interval at liberty is greater where the number of appearances is smaller. The effect of interval at liberty when these differences are allowed for is shown in Table 15. Offenders with short intervals become slightly less vulnerable to preventive detention than if no allowance is made for these differences.

The effect of the combination of three factors, interval, offences taken into consideration and number of appearances, on the sentence of preventive detention, is shown in Table 16. Fig. 11 shows that the effect of the number of appearances is different if the interval is less than or greater than one year. Similarly, the effect of offences taken into consideration increases with length of interval at liberty.

The effect of three factors, current offence, offences taken into consideration and number of appearances, on sentence, is shown in Table 17. The effect of offences taken into consideration remains approximately the same whatever the current offence but is greater for fewer appearances. There is a special interaction between sentence and certain factors; offenders who committed breaking offences and had offences taken into consideration and few appearances received sentence of preventive detention more often than might be expected from the separate circumstances.

CHAPTER 7

THE INTERPRETATION OF SENTENCING IN TERMS OF GENERAL AND SPECIFIC INFLUENCES

WE are now in a position to relate the sentence of preventive detention to the four factors whose inter-relations we have been studying. The fact that some of the relations are not linear, as well as the difficulties of interpreting different offences as variables have already been advanced as the main reasons for not expressing the results in the form of a correlation table. The next stage is to apply the general relations between the four items and sentence to all the combinations, and so determine whether the general trends are sufficient to account for the observed frequencies of sentence of preventive detention or not.

The main problem is how to avoid duplicating the effect of correlated factors. For example, offenders with many court appearances have a slightly smaller proportion of the longer intervals at liberty and similarly offenders convicted of different current offences have different proportions of offences taken into consideration. Therefore, if unadjusted values are applied we may be over-weighting one or other aspect. The adjustment can be made in two ways; either the effect of the number of appearances can be adjusted for the proportions with different intervals at liberty, or the effect of intervals at liberty can be adjusted for the different proportion of total numbers of offences. The decision of which adjustment to apply must be largely an arbitrary one and the order of priority adopted has been to accept the number of appearances before the courts as the major factor and to adjust all other factors in terms of differences in their distributions with respect to this variable. This has been done because the effect of total number of appearances on sentence is less affected by other factors than are the other factors by variation in the distribution of the total number of appearances.

For example, the small differences in proportions of current offences or of intervals at liberty in groups of offenders with under 10, 10-19 or 20 or more appearances have a negligible effect on the relations between number of appearances and sentence, whereas the effect of standardisation for variation in number of appearances in the different current offence groups or intervals at liberty can be considerable.*

The basis for the calculation of the expected numbers sentenced to preventive detention is:—

- (1) General preventive detention rates for numbers of appearances before the courts; rounded to 5%, 15% and 25% for less than 10, 10-19 and 20 and over respectively.
- (2) General rates for offenders with or without offences taken into consideration. (Not adjusted for numbers of appearances before the

* It is possible to adjust the percentages sentenced to preventive detention in the three appearances groups according to differences in, say, the intervals at liberty and then to use the smoothed results for appearances to give a better base line from which to estimate the effect of the intervals at liberty and so recalculate the adjustment to the appearance results. That is, one can use a process known as successive approximation. In practice, the present data are not extensive enough to justify a second approximation, as the effect of repeated corrections diminishes rapidly and only very large numbers justify the extra labour required to obtain the very slight increase in accuracy.

courts or for different intervals at liberty, since both these factors are distributed almost equally within the two groups.) 23.7% and 9.2% respectively divided by the average rate of 12.8%.

- (3) General rates for intervals at liberty adjusted for different proportions of three appearance groups (but not for different proportions with offences taken into consideration, since when an adjustment was made, the result was virtually unaffected); 19.5%, 15%, 10.5%, 6% (again divided by the average rate of 12.8%) for less than three months, three to twelve months, one to two years and over two years respectively. In practice, graphical smoothing was applied to even out the variations in the general trend.

These rates are thus the overall rates for offenders with or without offences taken into consideration, with different numbers of appearances, or with different intervals at liberty; they do not allow for any differential effect of these conditions when associated with each other. For example, any tendency for numbers of appearances to have a different effect on sentence among offenders with offences taken into consideration compared with those without, would not be allowed for. Similarly any interaction between interval and numbers of appearances or between interval and offences taken into consideration would also not be allowed for in the expected figures. In this analysis the parameters have not taken account of the effects of different proportions of the major types of offence. (Larceny was the only offence which had an appreciably different reconviction rate from other offences and which also occurred in sufficient numbers to have been capable of affecting the overall rates noticeably. As it happened, the differences in proportions of this offence and other offences within the major appearance groups were very small and hence the effect of any adjustment would have been negligible).

The expected numbers sentenced to preventive detention have been calculated on the basis of the interval at liberty, number of appearances and presence or absence of offences taken into consideration as outlined, and the results are given in Table 18.

TABLE 18

Actual and expected numbers of offenders sentenced to preventive detention according to combinations of numbers of court appearances, intervals at liberty and presence or absence of offences taken into consideration

	Number of appearances							
	Less than 10		10-19		20+		All Groups	
	T.I.C.	No. T.I.C.	T.I.C.	No. T.I.C.	T.I.C.	No. T.I.C.	T.I.C.	No. T.I.C.
Interval at liberty								
Under 3 months	2.84(2)	2.15(3)	13.56(13)	19.36(23)	4.35(4)	8.68(8)	20.75(19)	30.19(34)
3 months to under 12 months	4.06(7)	3.12(3)	26.79(20)	26.79(29)	5.71(3)	9.02(11)	34.56(30)	38.93(43)
1 year to under 2 years	1.44(1)	2.06(1)	9.70(14)	12.24(8)	4.87(6)	3.00(3)	16.01(21)	17.30(12)
2 years or over	1.34(3)	1.89(0)	6.97(11)	6.80(4)	0.91(0)	1.58(1)	9.22(14)	10.27(5)
All intervals	9.68(13)	9.22(7)	52.05(58)	65.19(64)	13.84(13)	22.26(23)	80.54(84)	96.69(94)

The actual numbers are given in brackets

The χ^2 value for this table was 18.64, d.f.6, significance level $P < 0.1$.

This value shows that the proportion of sentences of preventive detention given to offenders with different combinations of these factors could not be entirely accounted for by general differences in the effects of the three aspects acting independently, although in fact, the greater part of the variability in the proportions sentenced to preventive detention had been accounted for by them.

The groups which showed greater proportions of preventive detention than one would expect from the combination of circumstances above were:—

- (1) Offenders with more than one year's interval from their last conviction, 10–19 appearances at court and offences taken into consideration.
- (2) Offenders with 3 to 12 months interval, fewer than ten appearances and offences taken into consideration.

The following groups had fewer sentences than would be expected from the combination of circumstances:—

- (1) Offenders with crime-free interval 3 to 12 months, who had been before the courts 10–19 times and who had offences taken into consideration.
- (2) Offenders with crime-free interval of 1 year to under 2 years who had been before the courts 10–19 times and who had no offences taken into consideration.

The marginal totals show that all offenders with offences taken into consideration and fewer than ten appearances tend to be given preventive detention more often than would be expected.

The extent to which the three factors studied account for the variance in sentencing to preventive detention can be assessed as follows: Without any special knowledge other than that the offender is liable to preventive detention, the expectation of his receiving a sentence of preventive detention is 12·8%. When the factors shown in Table 18 are known the percentage expectation ranges from 0 for certain categories with less than ten appearances to 75% for frauds with offences taken into consideration and more than twenty appearances before the courts. The total variance about the mean figure of 12·8% is 1,008. When the separate overall preventive detention rates are applied according to the factors above, the variance is reduced by 858 leaving a residual variance of 150 not accounted for by the general trends. The amount of variance in sentencing accounted for by the general trends which we have allowed for is thus 85·2% leaving a residual of 14·8% to be accounted for by other sources of variation, i.e. within-group variance.

The residual variance is mostly in the form of variations in the relations between the trends. As noted the relation between number of appearances and sentence differs when there are offences taken into consideration from when there are none and it also differs according to whether the interval before the current offence is long or short. In addition there is random variation within the separate cells and this merely tells us that certain individuals are being treated differently from expectation without any assignable reason. These apparently random variations may be due to other factors which we have not taken into account and which do not have the same relations with the factors studied in some of the sub-groups as in others. For example there may be an excess of offenders with a particular current offence among the individuals comprising particular groups. (However, if this is so it would be shown up in the next analysis, which takes into account the current offences.)

TABLE 19

Actual and expected number of offenders sentenced to preventive detention according to combinations of numbers of court appearances current offence and presence or absence of offences taken into consideration

	Number of appearances							
	Less than 10		10-19		20+		All Groups	
	T.I.C.	No. T.I.C.	T.I.C.	No. T.I.C.	T.I.C.	No. T.I.C.	T.I.C.	No. T.I.C.
Current offence								
Fraud	1.52(0)	1.52(1)	7.75(7)	5.86(8)	2.60(3)	1.26(1)	11.87(10)	8.64(10)
Larceny .. .	1.47(1)	2.13(0)	10.14(14)	19.08(19)	3.09(3)	7.45(7)	14.70(18)	28.66(26)
Breaking .. .	5.56(8)	5.11(5)	33.22(27)	25.42(23)	6.19(5)	7.40(11)	44.97(41)	37.93(39)
Sex or violence	0.16(0)	0.96(0)	0.71(2)	5.89(8)	0.00	1.30(1)	0.87(2)	8.15(9)
Mixed offences	2.27(4)	1.05(1)	11.92(8)	6.88(6)	2.89(1)	1.96(3)	17.08(13)	9.89(10)
All offences..	9.98(13)	10.77(7)	63.74(58)	63.13(64)	14.77(13)	19.37(23)	89.49(84)	91.47(94)

The actual numbers are given in brackets

In this table the standardisation is made in terms of:—

- (1) The general effect of number of appearances on sentence of preventive detention; 5%, 15% and 25% as before.
- (2) The general preventive detention rates for offenders with or without offences taken into consideration, (again no adjustment was made for the numbers of appearances or intervals at liberty, since these were not substantially different in the two groups and the adjustment for the different proportions of current offences was found to be too slight to justify being included) 23.7% and 9.2% as before.
- (3) The general preventive detention rates for current offences adjusted for the different numbers of appearances and intervals at liberty (but not for the differential relation between preventive detention and offences taken into consideration in sexual offences and violence since there were too few offenders with offences taken into consideration to afford a valid estimate of the rate). These rates were: fraud 19.6%, larceny 8.3%, breaking and entering 14.5%, sex or violence 10.2% and mixed offences 19.9%.

The groups in which the sentences of preventive detention exceeded the expected figures were: offenders convicted of larceny who had appeared before the courts between 10 and 19 times and who had offences taken into consideration, housebreakers with fewer than ten appearances, with offences taken into consideration and housebreakers with more than 20 offences without any offences taken into consideration. Groups in which sentence of preventive detention was given less often than expected were: housebreakers and mixed offenders with 10-19 appearances with offences taken into consideration. These special relations between sentence and combinations of conditions can mostly be regarded as random variations. However, there appeared to be a tendency for frauds, housebreakers and mixed offenders to be given less preventive detention than expected if they have offences taken into consideration, whilst

larceny offenders with offences taken into consideration were given preventive detention somewhat more often. This applied irrespective of the number of appearances. Offenders with offences taken into consideration and fewer than ten appearances also received more preventive detention than expected, irrespective of the current offence. This result is the same as that shown by the previous table.

The total variance about the mean percentage given preventive detention was 820; the variance accounted for by the general trends was 697; the variance left after removing the general trends, i.e. the within-trend variance, was therefore 123. 81.7% of the variance is therefore accounted for by the general trends, leaving 18.3% as the variance of the difference between the observed and expected percentages within particular combinations of the three factors studied. Less variance is accounted for than in Table 18 and therefore, there must be greater discrepancies in sentencing within particular sub-groups of current offences than within different intervals at liberty.

None of the combinations of factors resulted in all offenders being sentenced to preventive detention although in a few small groups all were given other sentences. This again means that certain offenders in the groups are being sentenced differently from others and we have no means of determining which particular offenders in these groups will be given one or other sentence (since they are homogenous in respect of the factors studied). It is possible to produce finer subdivisions and to take account of combinations of more factors, but we still find that in any group some of the offenders are sentenced to preventive detention whilst others are given other sentences. This must be so if the courts are sentencing the offenders as individuals who differ from each other in some respect which may not be recorded. However, in so far as the offender being considered is unique, the experience cannot be used in sentencing other men.

Only the aspects such as we have studied which are common to several offenders can be used to establish a uniform sentencing practice. This does not imply that it is either necessary or desirable that all offenders should be given similar sentences, but that the court should have available information which would allow it to be aware of the extent to which it was departing from the "typical" sentence by reason of the particular circumstances of a case before it.

Information not used in the present analysis

There are several important factors which we have not included in the analysis of sentencing that might account for some of the difference in sentences of offenders in the same sub-groups. These were:—

- (1) Social history.
- (2) Detailed criminal history with actual sequence of previous offences and sentences and especially details of the offence immediately before the current offence. These aspects will be extracted from the detailed histories provided by the calendars and it is hoped to study these further.
- (3) Whether the offender was legally represented or not: in a number of cases the offender was not granted legal aid or he may have refused the aid offered and it is conceivable that some offenders who received light sentences among the groups who were normally given heavy sentences might have had particularly good counsel.

(4) Subsection (4) of section 21 of the 1948 Act requires that:

"Before sentencing an offender to preventive detention the court shall consider any report or representations which may be made to the court by or on behalf of the Prison Commissioners of the offender's physical and mental condition and his suitability for such a sentence".

Any such reports are intended for the guidance of the court when passing sentence and, therefore, the sentence may, in some cases, have been determined in relation to such reports rather than according to the factors we have analysed from the calendar records. For instance, an offender may not have been given preventive detention because he was found to be physically unfit.

A consideration of two anomalous groups

To show how much the sentencing can vary, we shall consider two groups of offenders of which one was sentenced to preventive detention despite having very few of the factors which we have normally found to be associated with preventive detention and the other was not so sentenced although it showed most of the adverse circumstances which usually resulted in preventive detention.

Usually larceny was dealt with somewhat more leniently than other offences but it was noted that for this offence little account appeared to be taken of the amount of money involved when sentencing. Also it was shown that the sentence was not as closely related to the number of appearances before the courts or to the total number of offences committed in the case of larceny offenders as for other offenders. These findings suggest that there may be some larceny offenders who committed trivial offences, possibly without having committed an undue number of offences previously, who nevertheless were sentenced to preventive detention. Details of twelve men who were sentenced to preventive detention, although their circumstances were, so far as the calendar record is concerned, less serious than those of many offenders who were not sentenced to preventive detention have been tabulated in Appendix 5.

All these men were convicted of larceny, and in half the cases the goods were valued at £5 or less. There were no offences taken into consideration, one offender only was charged with more than one offence at the current appearance, two were jointly indicted with other offenders who received lighter sentences, and all but one had committed larceny as their most common offence in the past (the exception was a housebreaker who interspersed his house-breaking offences with fraud and larceny). The average time at liberty since the previous offence was no different from that of the other offenders sentenced to preventive detention. All had had some sentence other than imprisonment in the past, three had had one term of probation, five previous borstal training, and six were recorded as having had previous fines. None had had corrective training. These men had committed many previous offences, one offender having committed more than 50 offences, but the average figure for the rest (22) was little higher than that of other larceny offenders who were not sentenced to preventive detention and seven had committed fewer than 20 offences.

None of the circumstances analysed in relation to sentence of preventive detention could account for the sentences given to these 12 offenders. Four were sentenced by the same judge and this appears to be a higher proportion than expected of the offenders dealt with by him.

In addition to the 12 offenders whom one would not have expected to be given preventive detention, 20 offenders who had serious histories of crime have been singled out from the one-third sample, their offences consisted of fraud or false pretences and breaking and entering, often with other offences, they were, nevertheless, not sentenced to preventive detention. The circumstances of these men are also set out in Appendix 5; they had all committed more than 30 offences; they had mostly appeared before the courts 20 times or more, and, apart from the housebreakers, the offenders were nearly all charged with more than one offence and many had offences taken into consideration. The interval at liberty since the previous offence was also short, with seven exceptions (three of which had a number of offences taken into consideration). Thus most of the circumstances which we have so far found to be associated with preventive detention appeared to be present in this group. If a points system had been used in determining sentence these offenders would undoubtedly have been sentenced to preventive detention in preference to many other offenders who were given this sentence, apart from the 12 exceptional cases already referred to. Four other offenders would have been included in the list if they had not been over 60 years old. It was thought that this was possibly the reason why two of them were put on probation, one was given a short term of imprisonment and the other a medium sentence.

Summary

The factors on which sentencing is based are of three kinds, (1) general; that is, consisting of trends which apply to all groups of offenders, such as the increase in number of appearances or decrease in the interval at liberty. These result in progressively greater numbers of offenders being given sentences of preventive detention; (2) more limited factors which apply to the interaction of groups, e.g. the different effects of number of appearances or offences taken into consideration according to the type of current offence. In addition, there are, (3) specific differences which cause certain offenders and not others of the sub-groups to be sentenced to preventive detention.

In order to calculate pure trends we have accepted the number of appearances as basic and have allowed for differences in the proportions with many current convictions or offences taken into consideration or who have been at liberty for shorter intervals before the current offence.

The general effect on sentence of each of the three factors—(a) number of appearances, (b) interval at liberty, (c) presence of offences taken into consideration, and (d) type of current offence—has then been calculated and combined as though they acted independently.

The number of sentences of preventive detention expected from the combinations of the various factors is then compared with the actual number in Table 18 for number of appearances, offences taken into consideration and interval at liberty, and in Table 19 for (a) and (c) above with (d) type of current offence.

The magnitude of the contribution of the factors can be expressed in terms of the percentage of the total variance which they contribute. The expected percentages range from 0 to 75% with a mean percentage of 12.8% and the variance accounted for by the general trends were 85.2% in Table 18 and 81.7% in Table 19. Some of the offenders in the groups, the great majority

of which are given preventive detention, will be sentenced differently from others and this is necessarily so if allowance is to be made for the special circumstances of individual cases. It was suggested that the results of sentencing should be made available to the courts in order to build up a systematic sentencing practice.

The factors not taken into consideration in the analysis of sentencing were social history and detailed sequence of previous offences and penalties, reports by the Prison Commission on suitability for preventive detention and the nature of the legal representation.

Two anomalous groups of sentences are discussed; in one of these the offenders were given preventive detention despite having few of the adverse factors, and in the other they were not sentenced to preventive detention although they showed many such factors.

CHAPTER 8

SOME IMPLICATIONS OF THE SENTENCING POLICY OF THE COURTS AND THE EFFECTS OF ALTERING THE CONDITIONS OF LIABILITY

IN the preceding chapters we have analysed the conditions which lead to an offender being given a sentence of preventive detention. Clearly the type of offender sentenced will determine the nature of preventive detention as a treatment. Therefore, arising from our analysis, we should expect the treatment to be related to habitual offenders—for almost all the offenders sentenced had been convicted on more than the number of occasions necessary to qualify and nearly 90% had appeared before the courts at least ten times. Over half the offenders were currently convicted of breaking and entering and a further 40% were convicted of larceny or fraud (or mixtures of the above), leaving less than 10% with sex offences, violence or other offences. Most of the offenders' previous offences also consisted of breaking and entering (40%), larceny (38%) and fraud (17%). Despite being hardened offenders, many (56%) were still in their thirties. (Nearly three-quarters of this group consisted of breakers.) Moreover, only about one-seventh of the offenders had previously received a sentence of corrective training and few had ever been put on probation. Over one-quarter of the offenders were over 50 at the time they were sentenced to preventive detention and these older offenders were almost exclusively larceny or fraud offenders, the offences often being of a rather trivial nature.

The nature of preventive detention therefore emerges as a sentence which has to deal with fairly young breaking and entering offenders, somewhat older larceny or fraud offenders (including a substantial proportion who are in their fifties and sixties) and a very small group, probably of the order of 5 to 10% for whom sex or violence offences feature prominently in their history. The common element in all these groups is that the offenders have all committed a considerable number of crimes in their time.

If it were considered desirable to reduce the number of sentences of preventive detention this could be done either by extending the qualifying conditions to eliminate a number of offenders who are at present liable to preventive detention or by an extension of the selection already exercised by the courts (since only 12.8% of the offenders liable to receive preventive detention were actually given this sentence).

We can calculate the effect of introducing new conditions of liability on the number of offenders liable to or sentenced to preventive detention in future years if we assume that the sentencing policy remains substantially unchanged. However, what is perhaps more important than the effect on the number of sentences is the effect on the type of offender which would result if any changes in the conditions of liability were made.

There are two main aspects of the protection of society against persistent offenders, the first concerns the amount of crime which the offender is prevented from committing by his sentence and the second is the seriousness of such crime. These two aspects have been dealt with in detail in the analyses of subsequent reconvictions of liable offenders released from other sentences and of preventive detainees released from sentences of previous years in Chapters 11-13. However, it is evident that if offenders can be distinguished into types in respect of the kinds of offences they have committed in the past and if they tend to remain in the same type, then some estimate of their potential danger to society can be made. Therefore, the saving in crime through segregating these offenders from the community for a considerable time can be estimated and the effect of any changes in the conditions of liability can be gauged.

There is a further aspect, namely, fairness to the offender, which must also be taken into account. The present conditions of liability are concerned with the maximum penalty which the offenders could have received for the offences they committed rather than the penalties which they actually received when the courts presumably took into account the special circumstances which applied. It might be more equitable to base liability for preventive detention upon the penalties which the offender has actually been given in the past on the assumption that these, rather than the statutory maxima, were the ones which he deserved. An offender would then be required to have served at least two sentences consisting of corrective training, borstal training or imprisonment of two years or longer (thus short term imprisonment would not qualify). Borstal training necessarily applies to a period in the offender's life some ten years or more prior to the current offence and for this reason it might be thought desirable to exclude it from the qualifying conditions (although it does indicate that one type of reformatory treatment has in the past been tried without much success).

The results of the previous analyses show that the offender's criminal history, especially the amount of crime he has engaged in, his rate of committing crimes and the intervals since his last offence, rather than the nature of the current offence, determine the sentence. One possibility is that more emphasis might be placed on the seriousness of the current offence and less on the offender's history. For example, if larceny—unless it involved large amounts of money, say, over £1,000—were to be regarded as an offence which should not render an offender liable to preventive detention, this would have reduced the number of offenders sentenced to preventive detention by 44 and the estimated number of offenders liable to preventive detention by about 425.

The case of *R. v. Grimwood*; the Court of Criminal Appeal, quoted in Chapter 2 indicates that Mr. Justice Streatfeild's views were substantially in favour of relating the sentence to the gravity of the offence committed notwithstanding the offender's past history.

The reduction in the number of offenders sentenced to preventive detention or liable to be sentenced which would have resulted from excluding from liability offenders with certain characteristics in 1956 are shown in Table 20.

TABLE 20
*Effect of changes in qualifying conditions
 on numbers of offenders concerned*

Suggested exclusions from liability to preventive detention	Reduction in number of offenders sentenced to preventive detention		Reduction in number of offenders liable to preventive detention (approx.)	
	No.	%	No.	%
Current offence larceny (or receiving) ..	44	25	470	34
Current offence larceny (unless over £1,000)	44	25	460	33
Age under 40	99	56	820	59
Age 50 or over	34	19	230	17
Age 60 or over	8	5	70	5
Less than 10 previous offences	3	2	100	7
Less than 10 convictions on separate appearances before the Courts	20	11	400	29
Less than 4 qualifying appearances	22	12	320	23
Offenders without previous non-institutional treatment (other than minor summary offences)	24	13	160	12
Offender at liberty 4 years or longer since last conviction	5	3	120	9
Offender at liberty 3 years or longer since last conviction	6	3	180	13

The further reductions in numbers of offenders if other conditions of liability were applied in addition to the exclusion of larceny as a liable offence would be as follows:—

TABLE 21

Number of non-larceny offenders excluded from liability to preventive detention	Reduction in number of offenders sentenced to preventive detention		Estimated reduction in number of offenders liable to preventive detention	
	No.	%	No.	%
Age under 40 years	76	43	462	33
Age 50 or over	31	17	140	10
Age 60 or over	8	5	40	3
Less than 10 previous offences	3	2	85	6
Less than 10 convictions on separate appearances before the courts	19	11	300	22
Less than 4 qualifying appearances	15	8	310	22
No previous non-institutional treatment tried	13	7	140	10
Offender at liberty 4 years or longer since last conviction	1	1	110	8
Offender at liberty 3 years or longer since last conviction	4	2	140	10

Applying a lower age limit of 40 as recommended in the direction by the Lord Chief Justice would have the most far-reaching effect, since well over half the preventive detention group and nearly 60% of the qualificants would be

eliminated. An important corollary is that even higher proportions of the breaking and entering offenders would be excluded (two-thirds of those sentenced to preventive detention and three-fifths of the remainder).

If a number of the above qualifying conditions were applied together, the reduction in numbers would not, of course, be additive since some of the criteria would apply to the same individuals. For example, an offender might be excluded on the grounds of being over 50 and at the same time qualify for exclusion through having been at liberty longer than three years since his last offence. The numbers eliminated from preventive detention by the above criteria after first excluding larceny are not substantially different from those which would be affected by these factors on their own. The exceptions are four or more qualifying appearances and previous experience of non-institutional treatments. Nearly half the offenders sentenced to detention who had no recorded experience of treatments other than institutional ones were men whose current offence was larceny. If a lower age limit of 40 were to be applied after eliminating larceny from the offences which qualified an offender for preventive detention 43% of preventive detainees and 33% of qualifying offenders would have been eliminated.

About one-fifth of the offenders sentenced to preventive detention were over 50 at the time of committing the current offence; most of these men will therefore be approaching or over 60 when released (4.5% were actually sentenced to preventive detention after the age of 60). It has been found generally that only a small proportion of offenders continue to commit offences as late in life as this whether they are sentenced to preventive detention or not and it might be worth considering whether an upper limit of 50 years might not be introduced as a criterion of liability of preventive detention.

Two appeals to the Court of Criminal Appeal since Dr. James' article in the Criminal Law Review are of interest in this connection. In *R. v. Kershaw* (July 2nd 1962) and *R. v. Walpole* (July 31st 1962) the two sentences of eight years' preventive detention were changed to two and three years probation respectively. Both offenders had long histories of crime, Kershaw having 21 previous convictions and Walpole having spent a total of 25 years in prison (including a previous eight year sentence of preventive detention); both offenders were in their middle fifties and a guiding factor appeared to be that if they were to serve the sentences passed on them they would be over 60 when released and the prospects of rehabilitation would be very poor; therefore whilst there was still some hope—however slender—some method other than imprisonment should be tried.

The present study has also shown that the current offences for which the majority of the offenders were sentenced to preventive detention did not appear to be more serious than those of other indictable offenders not liable to preventive detention. It would seem, therefore, that a substantial reduction in the numbers sentenced to preventive detention (and with it, a considerable reduction in the prison accommodation required), could be effected by excluding larceny as an offence for which an offender could be sentenced to preventive detention and applying an upper age limit of 50 years. It is unlikely that either of these measures to restrict liability to preventive detention would involve any appreciable increase in risk to the community. It might also be worth considering whether the offender should have had some non-custodial treatment,

or, if all his previous penalties had been custodial, should have had some form of training whilst in custody before he could be sentenced to preventive detention.

If an offender had to be at least 40 years old before a sentence of preventive detention could be given, this would be more likely to ensure that other sentences of a more reformatory character had already been tried but it would eliminate a proportion of the more serious offenders and leave a residue of older and less serious offenders in preventive detention.

Whilst the above considerations apply specifically to sentence of preventive detention, similar ones apply also to persistent offenders who are liable, but who are given sentences of imprisonment of varying length instead. The same principles would therefore still appear relevant in determining the length of sentence given, if some treatment other than preventive detention were to be substituted for preventive detention in its present form.

Summary

Offenders liable to preventive detention are persistent offenders more than half of whom are convicted of breaking and entering or have committed this offence frequently in the past and about 60% are still in their thirties.

Earlier chapters on the characteristics of liable offenders and those sentenced to preventive detention have shown that the sentence of preventive detention has to deal with very different types of offender and this would apply to any other sentence that might be given to these offenders.

The younger offenders tended to commit the more serious offences and the older offenders (particularly those over 50) had often committed rather trivial offences.

The number of preventive detention sentences could be reduced either by introducing different qualifying conditions or by the courts being still more selective in their sentencing of liable offenders (they currently sentence about one-eighth to preventive detention).

The effects of various changes in the qualifying conditions on the numbers of liable offenders and on the numbers sentenced to preventive detention have been estimated, and are shown in Tables 20 and 21.

Changes in the qualifying conditions or in the sentencing may also have important results on the kinds of offender selected for preventive detention. It is also necessary to consider the kinds of offences which offenders liable to preventive detention might be expected to commit if they were not sentenced to preventive detention or long term imprisonment.

Statements quoted from judgments of the Court of Criminal Appeal and the recent direction on sentencing policy by the Lord Chief Justice indicate two main trends:

- (1) That preventive detention should be limited to the more serious offences, e.g. by excluding larceny or petty fraud; this would reduce the number of offenders sentenced to preventive detention by between one-quarter and one-third, most of the *excluded* offenders being over 40.

- (2) Restricting the use of preventive detention to offenders nearing or over 40. This would reduce the number of sentences by about one-half and it would tend to exclude the more serious offenders, leaving the sentence for older and more inadequate offenders.

(1) and (2) above thus tend to be opposed in their objectives; the nature of the offenders who would be sentenced would be very different according to whether either of the above or some of the other limitations set out in Tables 20 and 21 were applied. The nature of the sentence would need to be altered accordingly, if it were to meet the very different needs of the men sentenced under the different conditions. This would apply whether preventive detention continued or some other treatment were to be substituted.

AN ANALYSIS OF SENTENCES OTHER THAN PREVENTIVE DETENTION

THE main analysis has been concerned with the distinction between offenders who were given sentences of preventive detention and those given any other sentence. To that end we treated sentences other than preventive detention as a group. In Table 5, however, we gave the numbers of offenders who were discharged, fined, put on probation or imprisoned for various lengths of sentence. It is of interest to see whether the same considerations which govern whether an offender is given a sentence of preventive detention or not also determine the seriousness of the alternative sentence which he receives. Accordingly we have studied the characteristics of the offenders who were given these different sentences in the one-third sample used to provide a preliminary analysis of the data.*

Certain of the offenders' characteristics are set out in Table 22 and in Fig. 13, according to the current sentence given.

There is little difference in the proportions of sentences of imprisonment given to offenders aged 30-39 or 40-49, but older offenders are more often given penalties other than imprisonment and, if imprisonment is given, it tends to be of shorter duration.

Imprisonment of one year to under three years was the most common penalty for all offences, but offenders convicted of frauds were given this sentence relatively more frequently than other offenders and sexual, violent or mixed offenders less often; instead, the latter group tended to be given short- or very long-term imprisonments.

There are only small differences between the sentences given to offenders who had fewer than ten appearances at court or 10-19 appearances, but those offenders with 20 or more appearances were more often given long-term imprisonment and were less frequently fined or put on probation.

There was no consistent relation between the sentence and the interval the offender had been at liberty since his previous offence. The χ^2 value was 24.6, df. 3, for offences taken into consideration (combining the under one year and one to three years imprisonment groups because of the small numbers). This is significant at the 0.1% probability level and indicates that offenders with offences taken into consideration were given different penalties from those without. Very few offenders with any offences taken into consideration were put on probation or given other sentences not involving imprisonment and nearly half received long sentences of imprisonment.

Nearly twice as many offenders without offences taken into consideration as those with them were given sentences which did not involve imprisonment, and little more than half as many received a sentence of imprisonment of three

* The one-third sample has been shown to be highly representative of the whole group of liable offenders (see Appendix 2).

years or longer. For offenders with more than one current conviction the result is somewhat similar to that shown in relation to offences taken into consideration; again the extreme penalties, namely those not involving any imprisonment and those involving long-term imprisonment, show most difference.

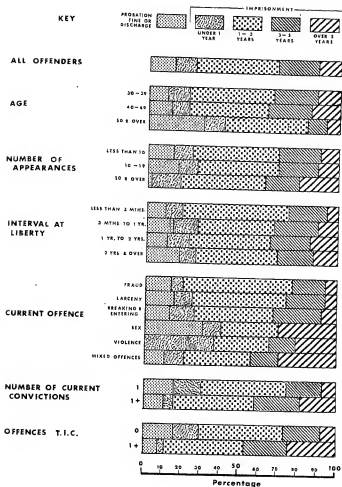
TABLE 22

Distribution of sentences according to the offenders' characteristics

	Probation, fine or discharge		Imprisonment								All sentences	
			Less than 1 year		1-3 years		3-5 years		Over 5 years			
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
<i>Age</i>												
30-39	22	10	24	11	101	45	52	23	24	11	223	100
40-49	10	12	8	9	37	42	20	23	12	14	87	100
50 and over ..	21	30	8	11	30	43	7	10	4	6	76	100
<i>Current offence</i>												
Fraud	5	14	2	6	20	57	6	17	2	6	35	100
Larceny	19	16	9	8	60	50	24	20	7	6	119	100
Breaking and entering ..	22	13	19	12	68	42	42	26	14	8	165	100
Sex offences ..	3	(30)	1	(10)	3	(30)	0	0	3	(30)	10	100
Violence ..	0	0	5	(36)	4	(28)	2	(14)	3	(21)	14	100
Mixed offences ..	4	11	4	11	13	35	4	14	11	30	37	100
<i>Number of appearances</i>												
Under 10 ..	14	14	10	10	48	46	23	22	9	9	104	100
10-19	38	16	24	10	102	43	49	21	23	10	236	100
20 and over ..	1	2	6	15	18	45	7	18	8	20	40	100
<i>Interval at liberty</i>												
Under 3 months ..	7	10	6	9	39	56	14	20	4	6	70	100
3 months to 1 year	19	14	17	13	53	40	31	23	14	10	134	100
1 year to 2 years	9	11	9	11	35	44	16	20	10	13	79	100
2 years and over	18	18	8	8	41	43	18	18	12	12	97	100
<i>Current conviction</i>												
Offences taken into consideration ..	6	8	2	3	33	42	18	23	19	24	78	100
No offences taken into considera- tion	47	16	38	13	135	44	61	20	21	7	302	100
Convicted of 1 offence	38	16	33	13	111	45	45	18	18	7	245	100
Convicted of more than 1 offence ..	15	11	7	5	57	42	34	25	25	18	135	100
All offenders ..	53	14	40	11	168	43	79	21	40	11	380	100

Figure 13

Sentences other than preventive detention according to offenders' characteristics



Amount of money involved in the current offence

The offenders whose offences were most serious, in the sense of the amount of money or value of the goods they obtained, would be expected to receive the most severe sentences, other things being equal. The distribution of sentences is shown below in Table 23 according to the amount of money involved. (Property offences only, $n=370$.)

TABLE 23

Distribution of sentences according to amount of money involved in the offence

Amount of money	Probation, fines etc.		Imprisonment								All sentences	
			Under 1 year		1-3 years		3-5 years		5 years and over			
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Under £1	4	13	5	16	18	56	4	12	1	3	32	100
£1 to under £10 ..	18	16	15	13	53	46	23	20	6	5	115	100
£10 to under £100..	16	16	3	3	42	41	29	29	11	11	101	100
£100 and over ..	3	7	1	2	20	48	6	14	12	29	42	100
Not known ..	9	11	15	19	32	40	17	21	7	9	80	100
Total	50	14	39	11	165	45	79	21	37	10	370	100

As the amount of money or the value of goods increased, an increasing proportion of offenders were sentenced to three years or longer imprisonment and a decreasing proportion were given sentences of less than one year or sentences which did not involve imprisonment. (The group of offenders convicted of property offences which were not costed received very much the same proportion of the different penalties as the group whose offences were costed, so there does not appear to be any bias in the group costed.)

The relation between current sentence and previous sentences

Whether an offender was fined or discharged for the current offence was found to be uncorrelated with his previous sentences. However, there was some evidence that probation was more likely to be tried if the offender had never been given this type of sentence before than if he had been given it in the past.

A scale of seriousness of criminal characteristics based on the length of sentence of imprisonment given

The sentences can be arranged in an order of severity according to the amount of imprisonment they involve, and we have scored them as follows:—

Probation, etc. (0), imprisonment less than one year (1), one year to less than three years (2), three years to five years (3), and over five years (4).

The severity with which the courts have dealt with different types of offenders can then be compared. The results (in terms of total score per 100 offenders) are given below:—

TABLE 24

Severity rating of sentence according to offenders' characteristics

(Scores per 100 offenders)

Age	Severity score	Offence	Severity score	No. of appearances	Severity score	Time at liberty	Severity score	Offences t.l.c.	Severity score	Amount of money involved	Severity score
30-39	214	Fraud	195	Less than 10	204	Under 3 mths.	202	Some	252	Less than £1	176
40-49	216	Larceny	192	10-19	199	3-12 mths.	202	None	189	£1-£10	185
50+	151	Breaking	206	20 and over	239	1-2 yrs.	211	Current convictions	198	£10-£100	216
		Sex offences 190 or violence 218	203			2 yrs. and over	196	One More than one	236	£100 and over	236
		Mixed Offences	243								

Apart from the amount of money involved in the offence, only the extremes of age and number of appearances, together with the presence or absence of offences taken into consideration or more than one conviction, appear to affect the seriousness of sentence. Age group 50 and over stands out as the one group which receives the lightest penalties, this could be because such offenders also contain combinations of the other categories which tend to carry light sentences.

The type of current offence appears to have little effect on the severity of the sentence given (apart from the category "mixed offences" which in any case involves more than one current conviction). Table 22 showed that there were differences in the proportion of the extreme sentences according to the current offence. Short sentences of imprisonment or even sentences which did not involve imprisonment were often used for the same type of offence as the long-term imprisonments and these results tended to cancel each other in relation to the total severity of the sentence. In other words it is the pattern of sentencing rather than the degree of severity which differs mainly according to the nature of the current offence.

There is some co-relation between the type of offence and age of offender, fraud, larceny and sexual offences being committed by the older offenders and violence, breaking and entering and "mixed" offences by younger offenders. This may be expected to affect the severity of sentence and Table 25 shows the relation between age, type of offence and severity of sentence. The three types of offence which were mostly committed by the younger offenders (and which also carried the most severe sentences according to Table 22) are grouped together for comparison with the remaining three as the numbers were too small to treat them individually.

TABLE 25

Severity of penalty according to age of offender and type of offence

Age	Offence group	Pro-bation, fine etc.		Imprisonment								All sentences		Severity rating
				Under 1 year		1-3 years		3-5 years		5+ years				
30-39	Group I	No. 14	% 16	No. 5	% 6	No. 41	% 46	No. 23	% 26	No. 5	% 6	No. 88	% 100	200
	Group II	8	6	19	14	60	45	29	21	19	14	135	100	223
40-49	Group I	3	9	2	6	17	50	6	18	6	18	34	100	232
	Group II	7	13	6	11	19	36	15	28	6	11	53	100	211
50+	Group I	10	24	5	12	25	60	1	2	1	2	42	100	146
	Group II	11	39	3	11	6	21	5	18	3	11	28	100	151
All groups		53	14	40	11	168	43	79	21	40	11	380	100	204

Group I offences: Fraud, larceny, sexual offences.

Group II offences: Housebreaking, violence, mixed offences.

We now see that housebreaking, violence and mixed offences carry the more severe penalties only when committed by offenders in age group 30-39. In this group the χ^2 value is 15.95 df. 4. $p < .01$. In other age groups the differences are not significant.

It is clear from this analysis and the analysis of sentencing to preventive detention or other penalties that quite different factors are involved. If the court decides that an offender shall not be given preventive detention, then apparently a new and different appraisal of his case is made. The offender's previous history of offending very largely determines his likelihood of getting preventive detention, but in the case of the alternative sentences (which may or may not involve imprisonment) the sentence seems to bear very little relation to this aspect. A "near miss" for preventive detention, so to speak, does not usually result in long-term imprisonment; more often the offender is sentenced to a relatively short sentence of imprisonment or he may even be placed on probation, depending, to some extent, on the seriousness of the current offence or offences. The sentence does not appear to depend much on the extent of the offender's previous history of offending or on the sentences which he has already been given, with the exception of probation.

The analysis of combinations of factors which determine the nature of the alternative sentences has not been carried as far as that related to sentences of preventive detention, but the results obtained show that we have accounted for only a small part of the variation of sentencing in spite of using the four factors found to be most important in relation to sentence of preventive detention. An examination of some, though not all, of the combinations (because the numbers are too small) shows that even if we take into account the presence

or absence of offences taken into consideration or additional convictions and the total number of appearances within the different current offence groups it does not enable us to "predict" sentence in the way that these factors can be used to predict whether an offender will be given preventive detention or not.

The most important point that emerges from the analysis is that the sentences tend to be given according to the nature of the current offence and particularly the value of the goods stolen, rather than according to the nature of the offender. Sentence of preventive detention can certainly not be regarded as the end point of a scale of severity with various lengths of imprisonment as intermediate between it and penalties not involving imprisonment. There is also a suggestion that length of imprisonment itself can only be treated as a continuum within certain offences.

Summary

In this chapter, men liable to preventive detention but given sentences other than preventive detention are considered in a similar way to the preventive detainees. The frequency of the different sentences according to various characteristics of the men and of their offences is shown in Fig. 13.

The factors most closely related to the length of imprisonment were current offence, age, amount of money involved, presence of offences taken into consideration and number of current convictions. The number of appearances was less closely related to length of imprisonment than to sentence of preventive detention.

It is clear that different factors from those governing sentence of preventive detention decide whether imprisonment or any other penalty is given and where a sentence of imprisonment is given, its length.

It is interesting to note that sexual offenders were frequently given a sentence that did not involve imprisonment, but that if imprisonment were given, in a large proportion of cases it consisted of a long-term sentence of over five years. By contrast, offenders committing violence were all sentenced to imprisonment, but a large proportion consisted of sentences of less than one year's imprisonment. (It should, however, be remembered that the number of offenders in these groups is small.)

It seems that, whereas a sentence of preventive detention is governed mainly by the type of offender, any other sentence is determined more by the nature of the current offence.

CHAPTER 10

COMPARISON WITH NORVAL MORRIS'S RESULTS

IN his book "The Habitual Criminal" Professor Norval Morris said (page 264) "The criminal court as at present constituted (and equally any treatment tribunal that may be established) will need considerably more knowledge about the criminal than is available to it today if it is adequately to fulfil its sentencing function". This was his main reason for writing the book. Chapters VII and VIII are devoted to a research enquiry into the characteristics of the 32 offenders serving sentences of preventive detention at the time the 1948 Act was passed, and 270 other persistent offenders consisting of all convicts (i.e. offenders serving sentences of penal servitude) admitted to Wandsworth Prison between 1st July, 1946 and 30th September, 1948 whose previous convictions and sentences were at least double those required to make them liable for a sentence of preventive detention under the 1948 Act; namely six or more indictable offences punishable with imprisonment for two years or more and four or more previous committals to imprisonment or Borstal training since attaining the age of 17.

Because Morris's criteria of confirmed recidivism exclude a large proportion of offenders who qualify for, but who are not sentenced to preventive detention and also include some offenders sentenced to preventive detention, his comparison cannot be used rigorously to indicate the basis of sentencing to preventive detention before the 1948 Act or to say what weights were given to the various characteristics when passing sentence as we have done for the later form of preventive detention with our 1956 data. However, for practical purposes his confirmed recidivists can be regarded as a group not sentenced to preventive detention (by ignoring the effect of the 13 offenders who were sentenced to preventive detention—since their characteristics are not shown separately in the tabulations). It is reasonable also to accept any differences between this group and the 32 preventive detainees as probably accounting for the sentence of preventive detention as it was used before the 1948 Act.

Comparison with the present study of preventive detainees and offenders liable to preventive detention in 1956 should indicate firstly, any change in the type of offender sentenced to preventive detention under the 1948 Act as compared with those serving the earlier dual sentence of preventive detention. Secondly, although the confirmed recidivists represent only the more serious of the persistent offenders who would be liable to preventive detention under the new Act, they can be "placed" in relation to the present liable group and the additional characteristics can be assumed to apply directly to the sub-group of offenders in our sample who have the same qualifications, and less directly to the rest of the offenders.

A comparison of the liable offenders in the 1948 group and the 1956 group

Present Sentence

	1948 Group		1956 Group			
	No.	%		No.	%	
Penal servitude 3-5 years	235	87.1	No imprisonment	..	198	16.4
Penal servitude over 5 years	35	12.9	1-3 years	..	609	50.5
(including 13 preventive detainees)			3-5 years	..	269	22.4
			Over 5 years	..	130	10.4

The number of liable offenders in 1956 who met the stricter qualifications used by Morris (including a three-year or more prison sentence for the current offence) was 350. These 350 offenders correspond to the worst 25% of the liable offenders and 90 (26%) were sentenced to preventive detention; yet only 13 (5%) of Morris's group were given the older sentence of preventive detention in addition to penal servitude. Preventive detention is evidently used at present for a large number of offenders who would not have received such a sentence before the 1948 Act.

The number of offenders in 1956 who would have satisfied Morris's criteria of six indictable offences and four previous committals to imprisonment but without necessarily receiving a sentence of imprisonment of three years or over is estimated to be just over 500, or almost $1\frac{1}{2}$ times the number of full "qualificants". This means that in 1956 there were about 150 offenders who satisfied Morris's criteria but were given shorter sentences of imprisonment than the penal servitude sentences; some even received sentences which did not involve imprisonment at all. The dual sentence thus had the effect of excluding from liability offenders whose current offence was not serious enough to justify penal servitude; at the same time, the extra requirement to classify an offender as an "habitual offender" before he could be sentenced to preventive detention, tended to reduce the number of sentences of preventive detention to below the frequency one might have expected (as judged from Norval Morris's evidence on the numbers of previous offences and imprisonments of his group of "qualificants").

The information given in Morris's study is more extensive than that included in the present one, and if the characteristics which are common to the two studies agree we have some evidence for supposing that the remaining circumstances will probably also differ little.

The main findings for Morris's two groups are shown in tabular form below for comparison with the results of the present study as given in Tables 4, 5 and 7.

TABLE 26

Characteristics of preventive detainees and confirmed recidivists

	Preventive detainees		Confirmed recidivists ("Qualificants")	
	No.	%	No.	%
<i>Current offence</i>				
Fraud	6	18.6	36	12.9
Larceny (including receiving)	6	18.6	80	28.6
Breaking and entering	19	59.3	115	41.3
Robbery and extortion	—	—	19	6.8
Violence against the person	0	0	11*	4.1
Sexual offences (including bigamy) ..	0	0	9	3.2
Other offences	1	3.1	9	3.2
All offences	32	100.0	279*	100.0

* Includes nine offenders convicted of offences against the person together with property offences.

TABLE 26—*contd.*

	Preventive detainees		Confirmed recidivists ("Qualificants")	
	No.	%	No.	%
<i>Amount of money involved in offence</i>				
Under £5	20	62.3	56	21.9
£5-£99	9	28.1	91	35.6
£100-£1,000	3	9.4	60	23.6
Over £1,000	0	0	48*	18.8
All amounts	32	100.0	255	100.0
<i>Total number of offences (including offences T.I.C.)</i>				
6-19	0	0	52	19.2
20-29	0	0	53	19.6
30-39	7	21.8	58	21.5
40-49	4	12.5	24	8.9
50-99	11	34.4	54	20.0
100 and over	10	31.2	29	10.7
All offences	32	100.0	270	100.0
<i>Number of different kinds of offences committed</i>				
Same offence throughout	0	0	4(6)†	1.5
Two kinds (both property)	6	8.7	34(42)	12.5
Two kinds (including violence)	1	3.1	0	0
Three kinds (all include larceny)	4	12.5	53 (inc. 34 breakings)	19.6
Four or more (all include larceny or breaking)	21	65.6	179	66.2
<i>Types of offence</i>				
Property offences only‡	26	81.3	107	39.6
Property offences plus violence or sex offences	6	18.7	102	37.7
Property offences plus offences other than violence	0	0	61	22.6

* Including two cases of more than £20,000.

† Figures in brackets allow for very infrequent departure from the preferred offence.

‡ These may include some offences under the Prevention of Crime Act—vagrancy and other non-indictable offences.

The mean age of the offenders at three stages of their criminal careers and mean number of offences committed were as follows:—

TABLE 27
Mean age and mean number of offences

	Preventive detainees	Confirmed recidivists
Mean age at first conviction	20 years 8 months	19 years 2 months
Mean age at first imprisonment	22 years 0 months	21 years 7 months
Mean age at current conviction	50 years 9 months	41 years 6 months
Mean number of offences per offender (excluding offences t.i.c.)	96.0	47.7
Percentage with offences t.i.c.	33.9	24.1
Percentage with offences t.i.c.	94%	68%
Mean number of offences t.i.c. (per offender concerned)	6.6	3.5
Percentage of offenders with joint indictments	15%	33%

TABLE 28
Details of criminal histories
Previous types of offence committed

	Preventive detainees		Confirmed recidivists	
	Number per offender	Percentage of offenders concerned	Number per offender	Percentage of offenders concerned
Fraud	12.7	80	7.4	44
Receiving	1.4	22	2.8	48
Aggravated larceny	5.8	62	3.2	75
Simple larceny	8.8	97	6.9	97
Breaking and entering	10.0	75	6.3	76
Violence (including robbery)*	1.0	25	2.6	33
Sexual offences (and bigamy)	1.0	25	2.2	14
Forgery, etc.	4.3	9	3.4	15
Other indictable offences	1.0	6	2.0	15
<i>Previous sentences received</i>				
Probation, binding over or discharge ..	1.5	60†	1.9	78
Fine	1.0	9‡	1.5	29
Approved school	1.0	25‡	1.2	18
Borstal	1.0	22‡	1.1	35
Imprisonment	10.2	100	9.2	100
Penal servitude	2.9	100	2.1	54
Preventive detention	1.3	34§	1.2	6

* Including non-indictable assaults.

† The total number of previous probation or other treatments is given for the group and since some offenders had more than one, the proportion of offenders concerned can only be estimated on assumptions concerning the numbers of offenders with more than one. If no offenders had more than one treatment then 88% of offenders would be concerned, if the average per offender were two, 44% would be concerned. The figure 60% is the estimate which gives the same relationship of frequency per person to number of persons involved, in the two groups.

‡ Assuming that no offender was given the penalty more than once.

§ Excluding two offenders sentenced to preventive detention whose sentence was quashed on appeal.

The confirmed recidivists, whether sentenced to preventive detention in addition to penal servitude or not, consist almost entirely of offenders against property, particularly breaking and entering. The total number of offences committed by the groups was extremely high, especially for those given preventive detention. Although this group had committed more offences than the other, the current offences tended to involve smaller sums of money and the offenders had kept to the same kind of offence instead of ranging over different kinds. All offenders given preventive detention had previously served a sentence of penal servitude compared with about half the other group but they had been given fewer sentences which did not involve institutional treatment (probation, binding over and fines).

Comparison between the 1948 and 1956 results

The number of preventive detainees is necessarily small, since preventive detention was used only infrequently before 1948, but the 32 offenders constitute the whole group of those undergoing sentence of preventive detention and they can be compared with the 1956 preventive detainees without any bias, although sampling errors will be large. The classifications of different characteristics adopted in the two studies do not always coincide and where a direct comparison is not possible but a close approximation is possible this has been included and attention is drawn to the difference in treatment.

The 1948 preventive detainees (mean age 50 years) were mostly older than the 1948 offenders who qualified for preventive detention but did not receive it. The qualificants mean age coincided with that of the 1956 preventive detention and also the liable offenders (41 years each). The mean age at first conviction for preventive detainees and qualificants, 21 and 19 years, differed little and both were slightly older than the 1956 offenders—who averaged 17 and 18 years respectively. In general, confirmed offenders tend to be relatively late starters—unless Norval Morris's contention that they have probably already committed offences before their first conviction is correct.

Both 1948 groups had committed more offences than the 1956 groups, the means being 34 and 24 for preventive detainees and qualificants respectively compared with 25 and 21 in 1956. This is partly because the criterion of selection of qualificants eliminated offenders with fewer than 6 previous indictments. However, the preventive detainees had all committed 12 or more indictable offences (excluding any offences taken into consideration) and therefore the qualifying conditions cannot be said to account for all the difference. The difference between Morris's preventive detainees and qualificants was somewhat greater than in our groups. Breaking and entering was even more characteristic of the 1948 preventive detainees than of the 1956 group but the qualificants and liable groups had the same proportions of this offence. Larceny offences were more characteristic of both 1956 groups, but the same relationship between this offence and preventive detention and other sentences obtained; there was about one and a half times the number of larceny offences committed by the other sentence group compared with preventive detainees in both cases. About the same number of preventive detainees in both groups were jointly convicted with other offenders (17%), but a bigger proportion of the 1948 qualificants were so convicted, 33% compared with 20% for liable offenders.

Money values have changed between 1948 and 1956 and the most comparable figures for the value of goods involved in property offences in the two studies are the proportions valued at under £5 in 1948 and under £10 in 1956.

				1948 (Under £5)	1956 (Under £10)
The percentages were:—					
Preventive detainees	..	..	..	62%	35%
Qualificants	..	..	..	22%	46%

				Mean	Estimated median	Mean	Estimated median
The mean and estimated median values were†:—							
Preventive detainees	..			£70*	£4	£160†	£30
Qualificants	..	..		£500	£60	£95	£18

In 1948 a few of the offences involved very substantial amounts and the group means were affected thereby, nevertheless Morris's two groups are significantly different. Even when the medians are used to discount the influence of the very large amounts, in 1948 preventive detainees had apparently still obtained *less* money from the commission of their offences than qualificants, but this was not so in 1956. The inconsistency of these results suggests that little attention is paid to the amount of money taken when passing sentence or else that the relatively petty offences were associated with other characteristics which made the offender particularly liable to preventive detention in 1948.

Norval Morris found that "specialists" (those whose offences consisted of one or two types only) occurred more frequently among offenders sentenced to preventive detention than among the rest, 32% compared with 14%. (We found that a 1956 offender whose current offence was of the kind he committed most often, tended to be given sentence of preventive detention more often than if it was an occasional offence (page 44).) This could be interpreted as a tendency to sentence professional offenders to preventive detention. However, an attempt to classify our offenders into those who, besides tending to commit the same kind of offence, also employed a specialised technique, e.g. always committed the same kind of fraud or type of breaking and entering showed no difference in the preventive detention and other sentence groups (7% each).

The classification of "most common offence in the past" has been made on a different basis in the two studies. However, the number of offences of

* Significant at the 1% level.

† Significance not tested because of the low proportions assessed.

‡ Estimated median: That value above and below which half of the cases occurred (estimated from the class distribution).

each kind expressed as a proportion of the total numbers of offences committed by the groups can be compared with the distribution of the "most common type of offence" in our study. The results are as follows:—

	1948		1956	
	Preventive detainees	Qualificants	Preventive detainees sentence	Other sentences
	%	%	%	%
Fraud	32	16	13	6
Breaking and entering	24	23	40	36
Larceny	41	51	43	52
Sex or violence	2	5	2	1
Other offences	2	5	2	5

The excess of frauds among the 1948 group is partly due to the method of analysis (offenders who had committed frauds previously, had committed many frauds, whereas housebreakers with histories of "breaking" tend to have committed fewer offences). In the 1948 analyses we are comparing the order of frequency of *offences* and in the 1956 analyses, the most common type of *offender*. That is, the offenders classified by their most common offence. Nevertheless the pattern is remarkably constant for the two studies in respect of the differences between the preventive detention and other sentences. With very few exceptions, these groups of persistent offenders can be said to be offenders against property. Secondly, the offenders sentenced to preventive detention for their current offence contain more persistent frauds, about the same proportions of persistent housebreakers (possibly slightly more) and fewer larceny and other types of offenders than the groups given other sentences, in both studies. The number of persistent violent or sexual offenders is too small to show any consistent difference.

The mobility of the offenders (the extent to which they have committed offences outside England and Wales) showed no difference between 1948 and 1956; 16% and 15% respectively. However, a somewhat bigger proportion of offenders in the sub-group sentenced to preventive detention in 1956 had committed offences outside England and Wales, 25% (mostly in Ireland or Scotland). International criminals were rare in either group in 1956 as Morris also found in 1948.

Details of previous institutional treatments were as follows:—

	1946-48		1956	
	Preventive detainees	Qualificants	Preventive detention group	Other sentences
Number of previous imprisonments	10.2	9.2	10.7	10.7
Proportion of offenders with previous approved school or borstal training	40%	45%	40%*	36%*

* Estimated figure based on the proportions recorded as receiving approved school or borstal training separately. (Probably accurate to within 3-4%.)

All four groups have approximately the same number of previous imprisonments and the proportions receiving other treatments are not very dissimilar (70-80% of all groups had been discharged, bound over or placed on probation at some time during their careers). In both studies probation had been used somewhat more frequently for offenders who were not sentenced to preventive detention. Fines were given surprisingly rarely; in 1946-48 they were given to offenders later sentenced to preventive detention more often than to the qualificants.

These comparisons are sufficient to show that the preventive detainee in 1956 was younger and perhaps slightly less advanced in sheer criminality than was his pre-1948 counterpart. This is possibly because the later preventive detention group corresponds to a less extreme selection. The liable offenders of 1956 compared closely in their history of offences and treatments with the qualificants of 1948 despite the greater number of previous offences of the latter. The most important point in the comparison is that the features which discriminated between offenders given preventive detention and the remainder were very much the same in the two studies.

Preventive detention is still, as it was in its dual sentence form, primarily a sentence determined by the extent of previous crimes committed and having comparatively little relation to the seriousness of the current offence (this is even more true of the present sentence, since in 1956 preventive detention was given to a large proportion of larceny offenders). For many offenders only one non-custodial type of treatment such as discharge, probation or fine had been tried and the expectation of Norval Morris (page 247) that "as (corrective training) develops into a functioning system, courts will hesitate to commit a criminal to preventive detention unless he has previously been sentenced to corrective training", has certainly not been fulfilled, for only one-seventh of preventive detainees in 1956 had previously been given corrective training. This is partly due to the age of the group, since offenders currently aged 40 or over would already have been considered too old to be sentenced to corrective training when it was introduced, as it is unusual to give this treatment to men over 30. However, the Prison Commission Reports for later years show that less than one-quarter of preventive detainees had previously been given corrective training.

The foregoing results have shown that the patterns of criminal histories in Norval Morris's study and our own correspond closely and the social characteristics are compared in Part II.

Summary

Professor Norval Morris in his book "The Habitual Offender" studied the last 32 offenders serving sentence of preventive detention under the 1908 Act and a group of "qualificants", (persistent offenders serving sentences of penal servitude admitted to Wandsworth Prison 1946-1948).

The present study compares the criminal attributes of current preventive detainees and liable offenders with Morris's groups and shows that the differences are remarkably few, despite the long interval between the two studies. The qualificants correspond to about the worst 25% of liable offenders in 1956. From the equivalent group in 1956, 26% were sentenced to preventive detention

compared with only 5% of Morris's penal servitude offenders. The old dual sentence, since it required the offender to serve a sentence of penal servitude for the current offence meant that only serious offences rendered an offender liable. Even so, relatively fewer liable offenders were given preventive detention than is the case under the present system. This was because of the additional necessity to classify the offender as an "habitual criminal". The 1956 liable offenders also covered a wider range since they included some who were given sentences other than imprisonment or short sentences only.

In spite of certain differences in the basis of classification over the two periods, comparisons were possible for the following characteristics: age at current offence, age at first offence, nature of current offence, total number of offences, joint indictments, amounts of money involved, specialisation, most frequent offence, previous penalties. The results indicated that the 1956 preventive detainees are slightly younger and less criminally sophisticated than the 1948 offenders (possibly because they represent a less extreme selection of the liable offenders). The 1948 "qualificants" and the 1956 other liable offenders correspond more closely.

The factors which differentiated Morris's preventive detainees and qualificants are very much the same as those differentiating our preventive detainees and liable offenders. Sentence of preventive detention was determined more by the nature of the criminal history of the offender than by the current offence.

Morris's study included details of social circumstances. Since the calendar records gave criminal histories but few social data, we have here confined the comparison to criminal characteristics.

(In Part II social characteristics of preventive detainees are compared with those reported by Morris and by Taylor.)

CHAPTER 11

EFFECTIVENESS OF PREVENTIVE DETENTION IN KEEPING
OFFENDERS FROM COMMITTING FURTHER OFFENCES

THE success of any treatment of offenders can, in theory, be assessed from the number of offenders undergoing that treatment who cease to commit any further offences, compared with the number of comparable offenders who do not receive treatment and who do not offend again. In practice, this is impossible to realise since all offenders receive some "treatment" (even if the offender is given an absolute discharge there is the effect of the appearance at court and the stigma of being found guilty). Hence it is necessary to compare the reconviction rates of offenders who receive one treatment compared with those who receive another treatment; in the present study, offenders sentenced to preventive detention are compared with offenders given imprisonment or other treatments.

A follow-up has been carried out for the one-third sample given sentences other than long term imprisonment or preventive detention, but it was not possible to include the latter groups since the offenders had not yet been released. However, reconviction statistics are available for offenders sentenced to preventive detention under the 1948 Act in earlier years. We have no reason to expect that the 1956 offenders sentenced to preventive detention are any different from the offenders sentenced to preventive detention in other years and we can provisionally accept reconviction results for those offenders as likely to apply within narrow limits to our group. Some offenders have now been released from preventive detention for periods up to seven years and the Annual Report of the Central After-Care Association, 1959, gives information on the subsequent histories of all offenders released from preventive detention since 1952, that is, of all offenders sentenced under the 1948 Act. The results in Tables 5, 6 and 7 of the Report have been condensed into one table shown below:—

TABLE 29

*Follow-up of preventive detainees to end of 1959 according to year
of release and proportion of sentence served*

Year of release	Number discharged	Number reconvicted	Percentage reconvicted
1952 2/3rds ..	13	10	77
5/6ths ..	—	—	—
1953 2/3rds ..	18	17	94
5/6ths ..	82	62	76
1954 2/3rds ..	13	9	69
5/6ths ..	83	66	80
1955 2/3rds ..	11	7	64
5/6ths ..	88	63	72
1956 2/3rds ..	22	14	64
5/6ths ..	97	67	69
1957 2/3rds ..	15	9	60
5/6ths ..	115	63	55
1958 2/3rds ..	23	10	43
5/6ths ..	146	64	44
1959 2/3rds ..	41	5	12
5/6ths ..	150	34	23

51.9% of all offenders released after serving two-thirds of their sentence and 54.5% of those released after serving five-sixths of their sentence were reconvicted by the end of December 1959. These figures are based on all releases up to the end of 1959 and they include a number of offenders who had only been at liberty for a short time. Part of the apparent superiority of the two-thirds sentence group is accounted for by the bigger proportion of recent releases included in this group.

The reconvictions of all preventive detainees released since 1952 are shown below according to the interval for which they have been "at risk".

TABLE 30

Percentage reconviction according to interval at risk

	2/3 sentence			5/6 sentence*			All sentences		
	Not reconvicted	Reconvicted	%	Not reconvicted	Reconvicted	%	Not reconvicted	Reconvicted	%
Year of release only	134	22	14.1	588	175	22.9	722	197	21.4
Up to 1 year after year of release ..	63	52	45.2	295	318	51.6	358	370	50.8
Up to 2 years after year of release ..	33	59	64.1	164	303	64.9	197	362	64.7
Up to 3 years after year of release ..	23	54	70.1	93	259	73.6	116	313	72.6
Up to 4 years after year of release ..	15	40	72.7	63	191	75.2	78	231	75.0
Up to 5 years after year of release ..	10	34	77.3	37	128	77.5	47	162	77.5
Up to 6 years after year of release ..	5	26	83.8	20	62	75.6	25	88	77.9
Up to 7 years after year of release ..	3	10	76.9	—	—	—	3	10	76.9

* Including two full-time releases.

The table is based on all available cases, for example the group at risk for four years following the year of release consists of all offenders released in 1955 or earlier. The interval during which reconvictions are committed is kept constant at four to five years, hence reconvictions for the 1952 releases are counted only if they occur before the end of 1956, 1953 releases to the end of 1957 and so on.

As the above table is based on offenders released during different years, the rows of the table cannot be subtracted to indicate the sequence in which events occur, nevertheless, 73% of all preventive detainees who had been released before the end of 1956 (that is, with a minimum of three full years at risk of being reconvicted) were reconvicted. There was no significant difference between the reconvictions of offenders released after serving two-thirds or five-sixths of their sentences, the figures being 70.1% and 73.6% respectively.

The number of reconvictions occurring during each year after release decreases progressively and the ultimate failure rate of these men can be expected to be about 80%. One reason for the progressively smaller numbers of additional reconvictions as the interval from release increases is that, in such vulnerable groups, there are fewer offenders still at risk. When the reconvictions are set out according to the proportions of the numbers of "survivors" still at risk at each period, the results show which are the vulnerable periods more clearly.

Percentage of "survivors" reconvicted during different intervals

	Year of release	1st year after release	2nd year after release	3rd year after release	4th year after release	5th year after release	6th and 7th year after release
	No. %	No. %	No. %	No. %	No. %	No. %	No. %
2/3 sentence ..	156 14	98 36	50 34	27 15	18 0	11 9	10 20
5/6 sentence ..	761 23	471 37	213 23	112 17	63 0	38 5	20 0

The numbers at risk decrease with time, not only because more offenders who were available have already been reconvicted, but also because fewer offenders have been released sufficient time for them to be included in the later groups.

The reconviction figure for year of release is small because the average period at risk was only six months, nevertheless significantly fewer offenders who were released after two-thirds of their sentence were reconvicted in the year of release than was the case with offenders released after five-sixths of their sentence; 14% compared with 23% (or 27% and 42% of all the failures). After the second year the numbers available for the two-thirds sentence group were quite small and no differences reached twice their standard error. This result suggests that the special training for release, or alternatively, the shorter time in custody of the early release group, may result in fewer breakdowns during the early stages and enable the offender to settle into normal life more quickly. The selection of offenders with the best prospects in the one-third remission group could also account for the favourable result, but there is no significant difference in the overall reconviction rate as we should expect on this hypothesis.

The year of release and the year following are the most dangerous for these offenders as for any others.

In the Central After-Care Association Report the results are shown separately according to whether the preventive detainees released after serving two-thirds of their sentence had received any hostel training or not. The numbers released without hostel experience are very small and, therefore, the reconviction figures must be treated with caution. The cumulative reconvictions over periods up to three years are shown below for the period 1954 onwards (when the hostel scheme was in operation).

Release from third stage only

	Same year		0-1 year		0-2 years		0-3 years	
	No. recon- victed		No. recon- victed		No. recon- victed		No. recon- victed	
Hostel group	106	12%	70	46%	49	61%	36	64%
Non-hostel group ..	19	5%	14	29%	12	50%	10	60%

The reconvictions appear greater in the hostel group, but the results are not significant in view of the small numbers. If the figures for 1952-53 releases are added to the non-hostel group, the reconvictions within the different intervals *exceed* the figures for the hostel groups. The differences are evidently affected very much by sampling fluctuations and there is not sufficient evidence to draw any conclusions. Further research is needed into this aspect and also into the factors which determine selection for early release and special training.

A comparison of reconvictions following preventive detention and long term imprisonment

A partial comparison of the effectiveness of long term imprisonment at Dartmoor and preventive detention is afforded by the figures of offenders since convicted and returned to prisons following long term imprisonment and preventive detention, for the period 1957-59. (Table 3 of report cited).

	Total 1957 releases	Number reconvicted and returned to prison by 1959	Percentage returned to prison
Long term imprisonment (Dartmoor) ..	283	124	44.0
Preventive detention	130	61	46.2

The difference is not significant and whilst the comparison should not be pressed too far, it shows at least that there is a type of offender so confirmed in his criminal behaviour that almost half can be expected to be reconvicted and returned to prison within two years whether the sentence is one of preventive detention or long term imprisonment. There may be differences in the offences committed by the two groups or in the number of previous offences (as suggested by the analysis in Chapter 9) but on the whole, long term prisoners who serve their sentences at Dartmoor are most similar to preventive detainees.

Reconviction statistics for 1956 offenders

We propose to examine the reconviction figures of all the 1956 group of offenders liable to preventive detention when they have been released a sufficient time from whatever sentence they are given. In the meantime we have been able to make some analyses of the one-third sample given sentences other than preventive detention. All offenders who were given sentences of less than five years imprisonment have now been released for a minimum of one year in addition to the year of release and we have obtained details of any further convictions of the one-third sample from the Criminal Record Office at Scotland Yard. Those form the material analysed in the following tables.

The reconvictions of the liable offenders since their 1956 sentence are shown below according to the interval they have been at risk, for comparison with Table 30 for discharged preventive detainees.

TABLE 31

Reconvictions of 1956 offenders not sentenced to preventive detention
(based on all cases available during the period concerned)

Period followed up	Not reconvicted	reconvicted	Percentage reconvicted
Year of release only	244	93	27.5
Up to 1 year after year of release ..	134	203	60.1
Up to 2 years after year of release ..	94	224	70.4
Up to 3 years after year of release ..	67	168	71.5
Up to 4 years after year of release ..	34	59	63.4

The rows in the table cannot be subtracted from each other to establish the reconviction rates for each year because all the individuals in the groups are not the same. The proportions of the longer prison sentences decrease in the later rows and only those offenders who were not imprisoned or whose imprisonment was short enough for them to be released during the same year as they were convicted (1956) contribute to the last row. This accounts for the favourable result for the four year follow-up period and also for the three year result relative to the two year result. The total reconvictions of the group during three years are not significantly different from those shown in Table 30 for preventive detainees whether they were released after two-thirds or five-sixths of their sentence. During the shorter periods followed up, the liable offenders included bigger proportions of the longer prison sentences and for those groups the liable offenders showed significantly *higher* reconvictions than the preventive detainees.

The relation between length of sentence and reconviction for liable offenders sentenced in 1956

The offenders who were not sentenced to imprisonment in 1956 or who, if they were imprisoned, were given short enough sentences for them to be released

during the same year, have been compared with those serving longer sentences which resulted in their release during the years 1957, 1958 or 1959. The reconviction results are shown below for different intervals up to 1960:—

TABLE 32

Length of sentence and percentage reconvicted during different intervals

Year of release from 1956 sentence	Period at risk				
	4-5 years	3-4 years	2-3 years	1-2 years	0-1 year
1956	63.4%	61.3%	57.0%	48.4%	17.2%
1957	—	78.2%	73.2%	63.4%	29.6%
1958	—	—	73.5%	60.2%	31.4%
1959	—	—	—	78.9%	26.4%

The offenders at liberty in 1956 tended to have fewer reconvictions than those who were released from their 1956 sentence during later years. Apart from this group there appears to be little relation between length of sentence and subsequent reconviction. The group without imprisonment or with very short sentences was atypical as we have seen; if we eliminate this group and compare the actual sequence of the reconvictions during a three-year interval for those offenders who were released in 1957 (all of whom were at risk for the whole period) with that of the releases from preventive detention treated in the same way we obtain the following result:—

TABLE 33

Comparison of percentages of three year reconvictions occurring within given intervals

	Year of release	1st year following release	2nd year following release	3rd year following release	Total recon- victions (0-3 yrs.)	Number of recon- victions
Preventive detention 2/3 sentences ..	18.5	44.4	28.5	8.6	100	56
Preventive detention 5/6 sentences ..	33.2	44.0	15.5	7.3	100	259
Other sentences (1957 releases only)	34.5	45.9	13.1	6.5	100	168

The speed of reconviction in the liable offenders given prison sentences from which they were released in 1957 is practically the same as that for preventive detainees released after serving five-sixths of their sentences, but the two-thirds releases had a smaller proportion of reconvictions during the year of release and a greater proportion of reconvictions in the second year following release.

Standardisation of reconvictions in comparing preventive detainees and other liable offenders

The one-third sample of liable offenders followed up has been compared directly with offenders released from preventive detention, but, as we have shown in our main analysis, they differ from the offenders sentenced to preventive detention in many respects. The offenders given sentences other than preventive detention had committed fewer and less serious offences, they were convicted after a longer interval from their previous offence and a smaller proportion had offences taken into consideration than was the case with offenders sentenced to preventive detention in 1956. Clearly if these factors are related to reconviction we would expect a different total reconviction rate for the two groups. It would probably have been possible if all 1,200 liable offenders had been followed-up to select a group of 178 offenders who exactly matched the preventive detainees in the different combinations of factors, by excluding the excess numbers in some of the cells. This however, is a wasteful procedure and moreover one which reduces the accuracy of the reconviction figure, because it introduces a sampling error (even a random elimination of cases will be expected to leave a matching residue which would differ in its reconviction figure if the elimination were repeated). We have preferred therefore to retain all the offenders, calculate the proportions reconvicted in each cell and weight these proportions by the *corresponding numbers in the preventive detention group*. In this way we produce an estimate of the reconviction rate which the offenders given sentences other than preventive detention would have, if the group had consisted of the same numbers of the various combinations as the preventive detention group.

The adjusted reconviction figure for the two-year follow-up which includes 85% of the one-third sample (excluding only the offenders with sentences of four years imprisonment or longer) was 71.1% compared with 70.4% shown in Table 31. This figure is very little different from the unadjusted result. This suggests that, despite the selection of the offenders sentenced to preventive detention compared with those given other sentences, the characteristics on which they were selected are not closely related to reconviction or else the differences in the proportion of the characteristics are too slight to affect the overall result appreciably.*

In addition to differences in the kinds of offender given sentences other than preventive detention compared with those sentenced to preventive detention, the treatment itself and the conditions on release from sentence are very different and these may be expected to affect reconviction. Offenders sentenced to preventive detention are released on licence and have statutory after-care, but many of the other offenders were released from relatively short sentences of imprisonment or discharged from the court without any statutory after-care and none have the sanction of recall.

Relation between reconviction and end of licence

In the sample of preventive detainees described in the next chapter, we were able to obtain the dates when the licence ceased to operate. This period is about one year after release for the five-sixths group and two years for the

* It appears to be a characteristic of differential weighting systems generally that unless both the relative weights (proportions of the sub-groups) and the reconviction rates within these sub-groups differ considerably, the overall result is very little affected.

two-thirds group, and it was found that nearly one-third of these preventive detainees were reconvicted within six months of the ending of the period of the licence: 18% before the licence terminated and 13% after. This proportion is significantly higher than the number expected from the overall reconviction rate and nearly one-tenth were reconvicted within the month in which the licence ended.

The increase in reconvictions around the time when the offender comes off his licence, especially just before it, would account for some of the difference in the speed of reconviction of the two groups in Table 33. There would be an increase in the proportion reconvicted during the latter part of the year of release and during the year following in the five-sixths group and during the year following release, and the year after that in the two-thirds sentence group, and this is what we find.

Those offenders who offend just before they come off the licence period (despite keeping out of trouble for the best part of two years in the two-thirds releases) probably consist of the inadequate offenders who subconsciously or otherwise, may be seeking the security of licence or even of sentence and are unwilling to face the prospect of standing on their own feet. The explanation of those who fail *after* coming off licence could also be in inadequacy, in so far as they fail when the support of the licence period is removed. (However, this support can hardly be more than nominal towards the end of the licence period, since the policy of after-care is likely to be one of progressive lessening of help in order to reduce the offender's dependence.) An alternative conjecture is that these offenders may commit offences because the sanction of recall is removed. An intensive study of the psychology of these men might be profitable since this transition period appears to be especially vulnerable. Ordinarily, the most vulnerable period for ex-prisoners is the time shortly after release and after one year the reconvictions begin to decrease fairly rapidly. This does not appear to apply so much to preventive detainees whose reconviction rate continues at a high level during the second and even third year after release.

The relation between the length of sentence of preventive detention and reconviction

There was no significant difference in the total reconvictions of the offenders released earlier or later in their sentence. This prompts the question whether there is any difference in reconvictions according to the length of the original sentence of preventive detention. The results are shown below according to length of sentence:—

TABLE 34

Per cent reconvicted during specified periods following release

Length of sentence	Number in group	Same year as release	Year following release	2nd year after release	Not reconvicted
5 years	49	24%	35%	14%	27%
6 years	20	20%	40%	20%	20%
7 or 8 years.. ..	80	15%	34%	15%	36%
All preventive detention sentences	149	19%	35%	17%	31%

The χ^2 test shows that there is no significant relation between the proportion reconvicted during the three periods, according to the length of sentence of preventive detention given.

This result can be compared with that found for length of sentence for liable offenders given sentences other than preventive detention (Table 32). Only the group with very short imprisonment or sentences which did not involve imprisonment had different reconviction figures from the rest.

From the above it would appear that whatever factors are responsible for the offender being given a long or relatively short sentence of preventive detention or for whether the offender is granted one-third or one-sixth remission, these factors do not give any indication of whether the offender is likely to resort to crime again within any specified period. It is nevertheless possible that certain individual factors may be related to reconviction, although if so, this would imply that other factors responsible for sentence have a contra-indication of reconviction and hence mask their effect.

The effect of sentence of preventive detention on the rate of committing offences

In Table 4 we showed the intervals which had elapsed since the offenders were released from their previous offence to the offence in 1956 which rendered them liable to preventive detention. If we can accept the 1956 group sentenced to preventive detention as characteristic of preventive detainees of other years, we can presume that the offenders released from preventive detention during the years 1952-59 had similar gaps prior to *their* sentences of preventive detention.

The 1956 group, by its method of selection, consists of men all of whom have been convicted and therefore the interval following the previous offence cannot be compared directly with the intervals following release from preventive detention in other years (when some 20% to 30% are not convicted again). However the *speed* of reconvictions can be compared before and after the offence for which offenders received preventive detention, if the comparison is restricted to those who are subsequently reconvicted. The most convenient comparison is given by expressing the reconvictions during each period as a percentage of the total reconvictions occurring within seven years. (We have had to adjust the figures to allow for the curtailment of the follow-up period for the later releases).*

* Since a number of offenders could not be followed up for the full period of seven years, the estimated total numbers reconvicted at each stage have been obtained by assuming that the reconviction rates for the group followed up also applied to those not followed up.

It is also assumed that by seven years after release from sentence of preventive detention all those who are likely to be reconvicted have already been convicted.

Speed of reconviction

TABLE 35

Proportion of total reconvictions which occur within the year of release and each subsequent year

	Interval before 1956 offence		Interval following 1956 sentence (other sentence group) or following release from P.D. (1952-7)	
	Other sentences n=382	Preventive detention n=178	Other sentences n=316	Preventive detention n=917
Same year ..	34%	51%	33%	30%
Year following ..	28%	30%	45%	39%
2nd year after ..	15%	11%	13%	18%
3rd year after ..	9%	4%	6%	8%
4th or later ..	13%	4%	3%	5%
Total reconvictions	100%	100%	100%	100%

The distinction between the two-thirds and five-sixths sentence groups is not shown, as this factor has already been covered in the previous tables.

Offenders sentenced to preventive detention in 1956 had the biggest proportion of failures within the year of release from their previous sentence whilst the liable offenders given other sentences had the biggest proportion of offenders with a gap of four years or longer since the previous offence. This was to be expected because, as we saw earlier, the length of time an offender had remained crime-free was one of the factors on which the sentence given in 1956 was based.

To sum up, the results suggest that there are only slight differences in the overall reconviction rates for offenders sentenced to preventive detention compared with those given other sentences. The differences in the speed of reconviction are also negligible. When we attempted to allow for differences in the characteristics of those liable offenders who were given other penalties compared with those given preventive detention (by weighting up the non-preventive detention group according to the frequency of criminal conditions found in the preventive detention group) we found that it appeared to make very little difference to the rates. The slight change in speed of reconviction before and after the sentence of preventive detention appears to be attributable to the selection of the shorter interval group for preventive detention initially rather than to any fundamental change in the rates of offending.

Comparisons with the results of long prison sentences given to Dartmoor offenders and the alternative sentences given to liable offenders, although not by any means conclusive, suggest that again the rate of committing further offences for these (mostly) persistent offenders is fairly constant irrespective of the sentence given them and it would seem that the length of sentence does not appear to have any marked effect in delaying the commission of subsequent

offences after the offender's release. Elsewhere we have mentioned that we have been unable to find any evidence that the *prospect* of a sentence of preventive detention causes the offender to pause in his career (since the gaps following the point at which the offender was liable to be given a sentence of preventive detention were found to be no different from those before this stage).

We cannot say for certain whether or not the offenders who ceased to commit any further offences after they were liable were deterred on account of the danger of being given a sentence of preventive detention or for some other reason but it would be very surprising to have this effect without it also influencing the speed of reconviction of those who did commit a further offence. In any case only about a quarter of those who became liable were not subsequently reconvicted. Despite the lack of *evidence* of deterrence it is very common for offenders to *claim* that they are deterred by the threat of a sentence of preventive detention. These results suggest that if there is any justification for long sentences of imprisonment or preventive detention it must lie in their ability to keep the offender from committing further offences whilst he is actually serving his sentence and not in any ability to discourage him from offending after he is released.

Summary

Offenders who have served preventive detention have been compared with offenders given imprisonment or other treatment with respect to their criminal history after release. The proportion in these groups which is reconvicted and the time between release and subsequent conviction are considered.

The men in the main study—those liable to preventive detention in 1956—had not been released at the time this work was being done. Hence, the post-release histories of preventive detainees released up to 1959 have been used in this chapter.*

These preventive detainees are divided into two groups, those who served two-thirds of their sentence and those released after five-sixths of their sentence. The former consist of men put on "third stage" by the Preventive Detention Advisory Board; the latter of those who stay in "second stage" (see Chapter 1). The third stage men have pre-release training usually in a hostel, the others do not normally have any special pre-release training. The total proportion allocated to third stage for the period 1953-59 was 17% of all eligible.

During the year of release, the men who had served five-sixths of their sentence had more reconvictions than the two-thirds men but by three to four years after release, the proportions reconvicted were practically the same (just over 70%). This result suggests that the special training for release, or alternatively the shorter time in custody of the early release group, results in fewer breakdowns during the early stages and enables the offender to settle into normal life more quickly. The selection of offenders with the best prospects in the one-third remission group could also account for the favourable result but, if this were so, we would expect a significant difference in the *overall* reconviction rate, which is not the case.

The year of release and the year following are the most dangerous for these offenders as for any others. This pattern of reconviction is related to the time of completing the licence period (see below).

* These are given in the Annual Report of the Central After-Care Association 1959.

The C.A.C.A. report cited previously gives figures of reconvictions for men who served long term imprisonment as well as for those who were preventive detainees. Of the 1957 releases, almost half of both groups had returned to prison by the end of 1959 which seems to indicate that there is a type of offender so confirmed in his criminal behaviour that the type of sentence he is given will make very little difference to his subsequent behaviour.

Some of the 1956 "liables" who had been given ordinary prison sentences had already been released when this work was being done. These were followed up and it was found that during the three years following the year of release, the total reconvictions were not significantly different from either group of preventive detainees studied (about 70%). Men in the preventive detention group have certain differences from the other group, as has been shown in earlier chapters. It was thought that these differences may be related to reconviction. A method of allowing for these differences was applied, but results suggest that the characteristics on which the offenders were sentenced to preventive detention were not closely related to subsequent reconviction.

The speed of reconviction in the offenders given sentences other than preventive detention is practically the same as that for preventive detainees released after serving five-sixths of their sentences, but, as seen above, the two-thirds releases had a smaller proportion of reconvictions during the year of release and a greater proportion of reconvictions in the second year after release.

In addition to differences in the kinds of offender given sentences other than preventive detention compared with those sentenced to preventive detention, the treatment itself and the conditions on release from sentence are very different and these may be expected to affect reconviction. Offenders sentenced to preventive detention are released on licence and have statutory after-care, but few of the liable offenders were subject to statutory after-care or faced the sanction of recall. For preventive detainees, it was found that an unusually large proportion were reconvicted about the time that they came off licence.

CHAPTER 12

RELATION BETWEEN THE MAJOR FACTORS DETERMINING SENTENCE OF PREVENTIVE DETENTION AND SUBSEQUENT RECONVICTION

THE analysis of sentences of preventive detention showed that four main factors resulted in high proportions of the offenders who possessed them being sentenced to preventive detention. These were: many previous court appearances, a current conviction for breaking and entering, offences taken into consideration and a short interval at liberty since the last offence. Two of these factors, namely the type of offence and presence of offences taken into consideration, appeared to have little effect on the proportion of offenders sentenced to imprisonment or on the length of the sentence given as the alternative to preventive detention. Nevertheless, all four factors have been considered in relation to reconviction.

The offenders sentenced to preventive detention in 1956 have not been released long enough for a study of their reconvictions. However, details are available for preventive detainees released in 1955 after serving five-sixths of their sentence and for those released from third stage during 1951-57, from a study used for a different purpose. These offenders were followed up for three to four years after the year of release. The liable offenders given sentences other than preventive detention in 1956 have been studied in Chapter 11. This gave a four to five year follow-up for those offenders who were either not imprisoned or whose sentence was completed during 1956; three to four years for those whose sentences extended into 1957, and two to three years for the 1958 releases.

These groups have been used to make a pilot study of the relations between the four factors and reconviction, but much more extensive data are required to carry out a full prediction study as attempted for preventive detainees in Part II.

Effect of current offence on reconviction

The proportion of offenders reconvicted within two years following the year in which they were released from sentence is shown below for preventive detainees and other liable offenders, according to the type of offence.

TABLE 36

Current offence	Offenders released from preventive detention in 1955			Liable offenders given other sentences in 1956		
	No. in group	No. reconvicted	Percentage reconvicted	No. in group	No. reconvicted	Percentage reconvicted
Larceny ..	22	14	64%	104	78	75%
Breaking ..	66	44	67%	142	98	69%
Other offences	20	10	50%	72	42	58%
All offences..	108	68	63%	318	218	68%

Whatever the type of offence, the offenders given sentences other than preventive detention show more reconvictions within the two to three year period than the preventive detainees. This also applied to each of the three years followed up. The groups show no consistent difference in the proportions reconvicted according to whether the current offence was larceny or breaking, but the offenders convicted of other offences (mostly fraud or false pretences) have significantly smaller proportions reconvicted. For liable offenders, the "other offences" group includes 31 frauds of which only 12 (39%) were reconvicted within the interval. If this group is subtracted, the remainder of the group, consisting of sex offences, violence and mixed offences, gives a reconviction figure of 73%. Hence among all offences, only the relatively few frauds appear to affect reconviction differently from the rest. Similar relationships between reconviction and type of offence also applied to each year following release from sentence.

Effect of number of appearances before the courts on reconviction

The two-three year reconvictions were as follows:—

TABLE 37

Number of appearances	Offenders released from preventive detention			Liable offenders given other sentences		
	No. in group	No. reconvicted	Percentage reconvicted	No. in group	No. reconvicted	Percentage reconvicted
Less than 10 appearances..	20	11	55%	94	55	58%
10-19 appearances..	64	42	66%	192	137	71%
20-29 appearances..	24	15	63%	32	26	81%

The proportion reconvicted is correlated with the number of appearances at court but the trend is less consistent in the preventive detention group than in the other group because the numbers are smaller.

Effect of offences taken into consideration

Within the two groups the proportions of offenders reconvicted were:—

TABLE 38

	Offenders released from preventive detention			Liable offenders given other sentences		
	No. in group	No. reconvicted	Percentage reconvicted	No. in group	No. reconvicted	Percentage reconvicted
With offences T.I.C. ..	20	13	65%	56	37	66%
Without offences T.I.C. ..	88	55	63%	262	181	69%

The proportion of offenders with offences taken into consideration is small (19% for preventive detainees and 18% for other sentences) and there is no consistent effect on reconviction.

Effect of interval at liberty prior to current offence

The relation between interval at liberty prior to the offence for which the offender was given preventive detention or some other sentence, and subsequent reconviction was as follows:—

TABLE 39

Interval before current offence	Offenders released from preventive detention			Liable offenders given other sentences		
	No. in group	*No. reconvicted	Percentage reconvicted	No. in group	No. reconvicted	Percentage reconvicted
Less than 3 months ..	19	10	53%	60	48	80%
3 months to less than 12 months ..	40	28	70%	114	91	80%
1 year to less than 2 years ..	35	23	66%	64	42	66%
2 years or over ..	14	7	50%	80	37	45%

* The period followed up (2-3 years) is small and we may therefore simply be comparing the speed of successive reconvictions without any relation to the proportions finally reconvicted. However, we have found generally that there is a very high correlation between speed of reconviction and the proportion of the group ultimately reconvicted. A three to four year follow up (not shown because the numbers are small) gives very nearly the same relations between reconviction and previous interval.

Again the preventive detention group gives a less consistent result on account of the small numbers, but apart from the under three months preventive detention group, the general decrease in the proportions reconvicted according to the length of the previous interval at liberty is clear enough.

The number of liable offenders was sufficient to enable the analysis to be carried a stage further in this group and the following table shows the numbers reconvicted within the year of release and during the following years.

TABLE 40
(Liable offenders only)

Interval before 1956 offence	No. in group followed up 2-3 yrs.	Number reconvicted during year of release	% reconviction	Total number reconvicted by end of 1st year after release	% reconviction	Total number reconvicted by end of 2nd year after release	% reconviction	No. in group followed up 3-4 yrs.	Total number reconvicted by end of 3rd year after release	% reconviction
Less than 3 months	60	26	43%	45	75%	48	80%	43	35	81%
3 months to less than 12 months	114	35	31%	81	71%	91	80%	83	68	82%
1 year to less than 2 years ..	64	15	23%	31	49%	42	66%	48	33	69%
2 years or over ..	80	8	10%	28	35%	37	45%	61	32	53%
All offenders	318	84	26.5%	185	58%	218	68.8%	235	168	71.5%

The groups whose conviction in 1956 occurred the shortest time after the previous offence had most reconversions whatever the period followed up. We would expect the *speed* of reconviction also to be greater for those offenders who had been reconvicted in 1956 after short intervals. This can be shown most easily if the reconversions each year are expressed as proportions of the numbers reconvicted during the two to three year interval (since all offenders were at risk for this period). These were as follows:—

TABLE 41

Interval before 1956 offence	Percentage of total reconversions		Total Reconversions during a 2-3 year interval
	Year of release only	Year of release and year following	
Less than 3 months ..	54%	94%	100%
3-12 months	38%	89%	100%
1 year to 2 years	36%	74%	100%
Over 2 years	22%	76%	100%

A greater proportion of the two to three year reconversions took place during the year of release and year following in the case of offenders whose 1956 offence had occurred within a short interval of their previous offence.

There appears to be a characteristic rate of offending throughout the careers of many persistent offenders and the correlations between the intervals at liberty between successive offences are reflected in the above figures.

Inter-relations between the factors

The effect of the four factors on reconviction may not be a direct one but may be due to their association with each other. For example, offenders with many previous appearances at court tend to have short intervals between their offences and this applies also to the intervals before the current offence, hence we have really been dealing with combinations of the two factors and it is necessary to separate them if we are to assess their net effect. Of the four factors considered, the current offence made little difference to the proportions later reconvicted, except among the few frauds (which were followed by fewer reconversions). Therefore, even if there are differences in the proportions of current offences in the other groups, this will be unlikely to affect the reconviction figures materially. Whether an offender had offences taken into consideration or not appeared to have little effect on reconviction, and therefore this factor too can be neglected when considering the other factors.

The table below shows, for the other sentences group, the combined effect on a reconviction of the two factors interval at liberty and number of appearances before the courts. (The numbers in the preventive detention group are too small to allow a similar analysis to be made, but we have no reason to suppose

that the effect of their interaction will be any different from that of the group given other sentences, since the factors themselves appear to affect reconviction in much the same way.)

TABLE 42

Effect on reconviction of number of previous appearances and interval before 1956 offence

Percentage of group reconvicted according to period followed up

Interval before 1956 offence	0-1 year				1-2 years				2-3 years				
	10	10-19	20+	Combined	10	10-19	20+	Combined	10	10-19	20+	Combined	Weighted Combination
Less than 3 months	36	45	50	43	64	75	100	74	79	77	100	80	(80)
3-12 months ..	22	37	21	31	74	75	57	73	81	82	79	80	(81)
1 year to 2 years ..	18	24	50	23	35	53	83	49	57	71	83	66	(68)
Over 2 years ..	0	13	33	11	23	36	67	35	33	51	67	45	(47)
Combined results	18	29	35	27	50	59	72	58	58	71	81	69	
Weighted combination ..	(20)	(31)	(35)	(28)	(54)	(63)	(73)	(61)	(66)	(72)	(82)	(71)	

The two factors evidently affect reconviction independently, since, when either factor is held constant, the reconviction rate varies according to the other in much the same way that it did in Tables 41 and 43. Despite the small numbers in some of the sub-groups the results are reasonably consistent.

We have used the weighting technique described on page 45 to allow for differences in proportions of the three appearance groups within the four interval classes (figures in last column). Similarly different distribution of intervals at liberty within the three appearance groups have been allowed for (figures in bottom row) when assessing the overall effect of the variation of these factors. The specially weighted figures (shown in brackets) are so little different from the actual averages for the groups that we can be confident that these totals are not due to any differences in the distribution of the intervals within the appearance groups or vice versa.

Interaction of offences taken into consideration and interval at liberty

In the analysis of the four factors in relation to sentencing we found that those offenders who had a fairly long gap since their previous offence were given preventive detention more often if they had any offence taken into consideration than if they had no such offences. However, if the gap was short the offenders were frequently sentenced to preventive detention and it made little difference whether they had offences taken into consideration or not. We might expect a similar interaction between the interval before the 1956 offence and offences taken into consideration and reconviction.

The results are set out below according to length of time at liberty and whether or not there were offences taken into consideration.

TABLE 43

			2-3 year reconvictions		
			Number	Reconvicted	Percentage
Less than 3 months ..	Offences T.I.C.		10	8	80%
	No offences T.I.C.		50	40	80%
3-12 months	Offences T.I.C.		18	13	72%
	No offences T.I.C.		96	78	81%
1 year to 2 years	Offences T.I.C.		11	7	64%
	No offences T.I.C.		53	35	66%
Over 2 years	Offences T.I.C.		17	9	53%
	No offences T.I.C.		63	28	45%

Many offenders who had a short interval at liberty before their 1956 offence were reconvicted. A high proportion had also been sentenced to preventive detention in 1956. In neither case were the proportions affected by whether or not the offender had offences taken into consideration in 1956. Few offenders with long gaps were sentenced to preventive detention, but the proportion increased if there were offences taken into consideration. Similarly few offenders with long gaps were reconvicted, but if there were offences taken into consideration the proportion reconvicted increased. The last group is the only one where this applies. It is consistent with the hypothesis that in 1956 the apparently long gap between offences was not a real one and the sentencing took some account of this fact. That the reconviction figure is greater than it would be if the gap had been real, i.e. without offences taken into consideration, supports this interpretation. However, the evidence, though consistent, is very slender.

The main fact that emerges from this analysis is that the interval before the 1956 offence is closely and independently related to reconviction for liable offenders not sentenced to preventive detention. Using it alone it is possible to divide the offenders into groups with an expectation of reconviction within two to three years which differs by as much as 47% to 81% or, used in conjunction with number of previous appearances, from 33% to 100%. (Table 42).

If the analysis of the combined effects of interval and number of appearances is born out by more extensive groups, particularly for preventive detainees, it would seem important that such information should be made available to the courts and that a continuing collection of reconviction statistics according to these and any other promising factors should be made, as recommended by the Streatfeild Committee* (page 80, paragraphs 277-8) for the guidance of

* Report of the Interdepartmental Committee on the Business of the Criminal Courts. H.M.S.O. 1961.

the courts when sentencing. As a result it should be possible to relate sentence more closely to the probability of future reconviction than at present and hence to reduce the amount of future crime committed by these men.

This does not include the possibility that the reconviction results are due in some measure to the suitability or otherwise of the previous treatments, rather than to the characteristics of the offenders themselves. However, Table 4 (Chapter 4) showed that previous kinds of treatments given to offenders sentenced to preventive detention were little different from those given to other liable offenders; the current sentence (i.e. preventive detention or other sentence) could be introduced as a further factor to be taken into account in predicting subsequent reconviction and sentencing.

Whilst such knowledge might be open to misuse, it seems to us that this information is essential if the experience of previous sentencing is to be used in a constructive way.

The amount of offending following sentence of preventive detention or other sentences given to liable offenders will be considered in the next chapter.

Summary

The four factors on which sentence of preventive detention appeared to be based, namely, number of court appearances, time at liberty since the last offence, type of current offence and presence of offences taken into consideration, have been related to reconviction for liable offenders in 1956 and for offenders released from preventive detention in 1955.

The offenders sentenced to preventive detention in 1956 have not been released long enough for a study of their reconvictions. However, from a study used for a different purpose, details are available for preventive detainees released in 1955 after serving five-sixths of their sentence and for those released from third stage during 1951-55. These offenders were followed up for three to four years after the year of release. The liable offenders given sentences other than preventive detention in 1956 have been followed up until the end of 1960, thus for these men a four-year follow-up was possible for those who were either not imprisoned or whose sentence was completed during 1956, three years for those whose sentences extended into 1957, and two years for the 1958 releases.

These groups have been used to make a pilot study of the relations between the four factors and reconviction, but more extensive data are required to carry out a full prediction study. This has been attempted in Part II.

Of the different current offences only fraud differed from the rest, having fewer reconvictions in both groups.

The greater the number of previous appearances the greater the risk of reconviction. Offences taken into consideration did not affect the proportions reconvicted.

The interval at liberty before the offence for which preventive detention was given (1955 releases from preventive detention) or from other sentences (1956 liable offenders) had a pronounced effect on the proportions subsequently reconvicted and on the speed with which the reconvictions occurred. Some offenders showed characteristic rates of committing offences throughout their careers.

The interaction of the factors has been studied in the 1956 group in order to see whether the above effects on reconviction are direct ones. The interval at liberty and number of appearances both affect reconviction independently and their net effects were calculated.

There was a very interesting confirmation of the special relation found in Chapter 6 between sentence, offences taken into consideration and interval at liberty; it was shown that offences taken into consideration made little difference to the sentence given if the interval was short but if it was long, they counteracted the favourable effect it would otherwise have had on the sentence. Similarly, the longer the interval at liberty the less the proportion reconvicted, and for short intervals offences taken into consideration had little effect. However, in the long interval group they resulted in an increase in the proportion reconvicted.

It was possible to differentiate between these persistent offenders in relation to subsequent reconviction from a few simple factors in their history. Groups were isolated whose reconviction rates varied from 47% to 80% (based on interval at liberty alone) or from 33% to 100% (based on interval and number of appearances).

It is suggested that systematic information on the factors affecting reconviction could be given to the courts (as recommended by the Streatfeild Committee) and by appropriate sentencing this might lead to a reduction in the amount of future crime from these persistent offenders.

THE NATURE OF OFFENCES COMMITTED BY PERSISTENT OFFENDERS FOLLOWING SENTENCE OF PREVENTIVE DETENTION OR OTHER SENTENCES

So far we have considered the proportions of liable offenders reconvicted after receiving sentence of preventive detention or other sentences and we have also considered the speed at which a first reconviction occurs. In these respects there was comparatively little difference between the two groups.

Preventive detention at least keeps an offender from committing any further offences whilst he is under sentence, and if the number or type of offences which he might otherwise commit if he were released are sufficiently serious, this in itself could provide justification for the sentence. This is apart from any deterrent effect the sentence may have on the offender's tendency to recidivate or the effect on other would-be offenders. Clearly we cannot answer directly the question what offences those sentenced to preventive detention would otherwise have committed, but we can provide an estimate of the seriousness of the offences committed by the 1956 liable offenders who were released from other sentences during the period when the preventive detainees were serving their sentences. It is probably safe to assume that the preventive detainees would have committed somewhat similar offences had they been free to do so, but we also have information on the nature of the offences committed subsequent to preventive detention for a group of preventive detainees released in 1955 and also for all offenders liable to preventive detention in 1956 who had previously served a sentence of preventive detention. We propose to combine the evidence from these three sources to produce a better estimate of what might have happened to the 1956 preventive detention group than we could produce from any of the groups separately.

The sample of offenders liable to preventive detention in 1956 whom we were able to follow up until the end of 1960 consisted of 337 cases. During this four to five year interval an average of two years was spent in prison (half of it for the 1956 offence); 92 (27%) offenders were not reconvicted and a further 17 (5%), although reconvicted, were not returned to prison. 136 (40%) were in prison at the end of the period (40 undergoing sentence of preventive detention).

The offenders released from preventive detention in 1955 and followed up until the end of 1959 consisted of 79 offenders. They also spent an average of two years in prison; they were therefore at liberty for about the same length of time as the liable offenders. Twenty (25%) offenders were not reconvicted and a further eight (10%) were reconvicted but were not returned to prison (apart from odd days in some cases). Forty-five (57%) were in prison at the end of the follow-up period (35 receiving a further sentence of preventive detention).

The first aspect we shall consider is the type of offence committed at the first reconviction. The offences were as follows:—

TABLE 44

Nature of first offence following release from preventive detention or other sentences

	Number in group	Larceny	Receiving	Breaking	Attempted breaking (inc. H.B.I.)	Fraud	Violence	Sexual offences	Other (including non-indictable)	Total Convictions	Offences per offender	Number of offenders reconvicted	Offences per offender reconvicted	Offences taken into consideration	Offences taken into consideration per offender reconvicted
Preventive detainees released in 1955	79	41 35%	1 1%	35 30%	7 6%	26 22%	4 3%	0 0%	4 3%	118 100%	1.50	59	2.00	203	3.45
Ex-preventive detainees in main sample	79	51 36%	19 13%	33 23%	9 7%	19 13%	2 1%	5 4%	4 3%	143 100%	1.81	79	1.81	—	
Liab offenders given other sentences in 1956	337	112 34%	14 4%	69 21%	19 6%	36 11%	9 3%	6 2%	64 19%	329 100%	0.98	245	1.34	346	1.42

Almost all the offences were against property; sex or violence offences were extremely rare. The differences between the type of offence committed in the three groups are slight despite the fact that this was one of the factors on which offenders tended to be sentenced to preventive detention or given alternative sentences. There was a greater number of non-indictable offences (classified under "other offences") in the group not sentenced to preventive detention. The most important difference between the groups, however, is in the number of offences committed. Both preventive detention groups had many more offenders whose first reconviction was for several offences and more of the 1955 group had offences taken into consideration, 25% compared with 14% in the other sentences group. The proportions of offenders with offences taken into consideration were less than those in Table 5 for in 1956 46% of offenders sentenced to preventive detention and 23% of those given other sentences had such offences. In other respects the offences committed subsequent to release are very similar to those committed by the two groups in 1956.

The offenders given other sentences have been divided according to the type of offence they committed in 1956. The results are not shown in detail because they duplicate those of the next table for all subsequent offences. It was found that the larceny offenders were charged with more offences at their first subsequent appearance than the other groups but that they had a somewhat smaller total number of offences taken into consideration than the other groups (although a similar proportion of offenders were involved, i.e. 16% with offences taken into consideration compared with 12% of housebreakers and 17% of other offenders (mainly frauds)).

An analysis similar to the above has been made of all offences committed during the four to five year period by the offenders released from preventive detention in 1955 and the liable offenders given other sentences in 1956. The other sentences group is shown split according to the type of offence committed in 1956.

The distribution of all offences committed by the two groups during the interval studied differs little from the distribution of the first offences subsequent to release. This is partly because the first reconvictions form a large proportion of the total offences. Preventive detainees continued to commit more breaking and entering offences than the offenders who were not sentenced to preventive detention (apart from those whose previous offence was one of breaking and entering).

There is little tendency for the individual offenders to commit the same kind of offence as that for which they were convicted in 1956. About half the further offences committed by offenders convicted of larceny in 1956 consisted of larceny (including receiving) but for offenders convicted of breaking and entering, less than a third of the subsequent offences were "breakings" and about an equal number consisted of larcenies; offenders convicted of other offences in 1956 (mainly frauds) divided their offences almost equally among fraud, larceny and other offences (in this case mainly minor summary offences).

Probably rather less than half the offenders in the preventive detention group had received their sentence for breaking and entering (the figure was 48% for 1956 sentences of preventive detention) yet the proportion of subsequent offences which consisted of breaking and entering was about the same as that for the sub-group given other sentences, all of whom had committed breaking offences in 1956.

TABLE 45

Details of all offences committed during a four to five year interval

	Number in group	Larceny	Receiving	Breaking	Attempted breaking (inc. H.B.I.)	Fraud	Violence	Sexual offences	Other	Total convictions	Number of offences taken into consideration
Preventive detainees released in 1955	79	90 37%	4 1%	65 27%	11 4%	33 14%	4 1%	0 —	32 13%	240 100%	528
<i>Liabile offenders</i>											
Larceny	110	129 48%	9 3%	45 17%	9 3%	16 6%	11 4%	2 1%	48 18%	269 100%	172
Breaking	150	91 28%	11 3%	90 28%	14 4%	22 7%	7 2%	8 2%	82 25%	325 100%	272
Other offences	77	43 26%	2 1%	18 11%	3 2%	44 26%	7 4%	6 3%	45 27%	168 100%	169
All offences	337	263 34%	22 3%	153 20%	26 3%	82 11%	25 3%	16 2%	175 23%	762 100%	613

It appears, therefore, that the courts in passing sentence of preventive detention did so on a group somewhat more likely to commit breaking and entering offences in future than other groups (whether or not the current offence was one of breaking and entering). This may be because sentence was probably based on a history of breaking and entering rather than on the current offence alone and this is more closely related to the nature of the subsequent offences.

The volume of crime committed by liable offenders

Other aspects of the amount of crime committed by each offender are shown below.

The percentage distribution of number of appearances before the courts during the average period of two and a half years at liberty was as follows:—

TABLE 46

Total number of appearances during a two and a half year period

	No. in group	Number of appearances								Total appearances of the group	
		0	1	2	3	4	5	6-9	10+		
Preventive detention group	79	25%	35%	15%	10%	9%	3%	1%	1%	131	100%
Other sentences group	337	26%	31%	22%	8%	6%	2%	4%	1%	563	100%

The mean number of appearances, offences and offences taken into consideration per offender were:

	Number	Appearances per offender	Offences per offender	Offences taken into consideration per offender
Preventive detention group	79	1.66	3.41	6.69
<i>Other sentences grouped according to current offence</i>				
Offence in 1956				
Larceny	110	1.95	2.40	1.54
Breaking and entering ..	150	1.65	2.17	1.81
Other offences ..	77	1.29	2.18	2.19
Combined.. ..	337	1.67	2.25	1.81

The number of appearances at court subsequent to release are the same in the two sentence groups but the number of offences of which they were

convicted and the number of offences taken into consideration are substantially greater in the preventive detention group.

Larceny offenders were convicted more often and committed more offences than the other types of offenders, but they had fewer offences taken into consideration. These results are consistent with the findings prior to the 1956 offence reported on pages 45 and 50.

The follow-up results in respect of the numbers of appearances during the interval studied account for the very similar findings for the two groups when we compared the proportions of offenders reconvicted during various intervals in Chapter 11. However, it is not surprising to find that the preventive detention group differed from the other offenders in the numbers of offences committed, since we found that the sentence of preventive detention was given to those offenders who had most offences taken into consideration and convictions in addition to the main offence at the time of sentence in 1956.

If we consider only appearances before the courts or the proportions of offenders reconvicted within any particular interval we find that the liable offenders are certainly no better, and during the first two to three years after discharge rather worse, than the preventive detention group. If, on the other hand, we use the criterion of the number of offences committed by the groups during a period, we find that the preventive detention group has a worse record following release. Since the group sentenced to preventive detention was selected on a combination of adverse factors in the offender's history and, moreover, as many of these factors have been found to be related to recidivism in other groups [unpublished studies of Scottish offenders] it seems more reasonable to accept the criterion which differentiates between the sentence groups, namely the number of offences committed during a period subsequent to release, rather than the proportions reconvicted. It would appear therefore that a simple consideration of reconviction statistics (proportions of the group reconvicted during any period) may not be the most appropriate criterion to use when dealing with habitual offenders.

The 79 offenders released from preventive detention and the 337 other liable offenders together were convicted of 1,002 offences during an average period of four and a half years following release and since they were in prison for an average period of two years during this time, this represents a rate of almost exactly one offence per year at liberty for each offender. An estimate of the number of offences committed during a specified period for all liable offenders would have to take account of the fact that in the groups studied we have taken a higher proportion of preventive detainees than there should be among liable offenders. We found that 13% of all offenders liable to preventive detention were given such a sentence whereas in the sample analysed 19% of the total number consisted of preventive detainees. If the sample results are weighted up according to the true percentage of liable offenders given preventive detention, the rate of offending becomes slightly less than 1 per offender per year at liberty (actually 0.9). About 41% of the reconvictions were dealt with at magistrates' courts. In addition, the offenders admitted to a further 1,141 offences which were taken into consideration when sentencing. Despite the very large numbers of offences admitted and taken into consideration, the proportions of offenders concerned (at least for the first appearance following release) were less than in the 1956 groups. One wonders whether these habitual offenders, as they become

more sophisticated, are more prepared to risk not admitting to the offences until they feel that there is a real chance that, having committed so many offences, they will, at a later date, have to answer for some or all of them.

It is surprising and disturbing to find that these persistent offenders whom one would expect to be well known to the police, nevertheless commit rather more crimes than they are formally charged with. Moreover this is only the part of their offending which is finally brought home to them. (We cannot say anything about the offences which these offenders may have committed, but have not admitted, although we know that about 25% of breaking offences and rather less than 30% of larceny offences result in the offender being identified and convicted and no doubt the group is responsible for its share of offences not cleared up.)

Amount of money involved in offences committed by habitual offenders

The great majority of the offences consisted of larceny, breaking and entering and fraud. Apart from the few violence or sex offences, the rest of the offences consisted mostly of possessing housebreaking implements or being found on enclosed premises with intent, being a suspected person, or drinking offences. These usually involved no loss of money but we have estimates of the value of the property or money involved in 84% of all the offences against property.

The numbers of offenders in the two groups used in this part of the study were: 191 given sentences other than preventive detention, of whom 140 (73%) were reconvicted, and 79 preventive detainees, of whom 59 (75%) were reconvicted.

An estimate of the value of the goods involved in property offences is usually included in the police report of the offence and we have been able to group the amounts in rather finer units than we used before in our main study when we sometimes had to produce an estimate of the cost from the description of the articles mentioned in the after-trial calendars. The distribution of the values for the first reconviction was as follows:—

TABLE 47
Amount of money involved in the first reconviction

	Nil	Less than £1	£1 to less than £5	£5 to less than £10	£10 to less than £100	£100 to less than £500	£500 to less than £1,000	£1,000 and over	Property offences not costed (% of total)	Total costed
Liable offenders given other sentences than preventive detention	13 11%	11 9%	28 23%	10 8%	41 34%	13 11%	3 2%	3 2%	11 8%	133 —
Preventive detainees released in 1955 ..	7 12%	6 10%	4 7%	6 10%	24 40%	9 15%	3 5%	1 2%	6 10%	60 —

Approximately nine-tenths of the first reconvictions involving offences against property were costed in both groups. Of the offences costed 22% of those committed by offenders previously sentenced to preventive detention and 20% of those committed by offenders given other sentences than preventive detention, involved amounts of less than £1 and only 22% and 15% respectively involved amounts of £100 or more. These amounts are actually lower than those committed by the offenders in 1956 when they were liable to preventive detention

(Table 6). (This is partly because offences such as attempted housebreaking, possessing housebreaking implements and being found on enclosed premises were included in the later offences although no loss occurred and these were not counted in the 1956 offences costed. When these are excluded the figures for under £1 correspond closely with those of Table 6.)

A similar analysis of all the offences committed by the two groups during the average period at liberty of two and a half years was made. The results were as follows:—

TABLE 48
All property offences

	Nil	Less than £1	£1 to less than £5	£5 to less than £10	£10 to less than £100	£100 to less than £500	£500 to less than £1,000	£1,000 and over	Property offences not costed (% of total)	Property offences costed (% of total)
Liable offenders given other sentences than preventive detention % of group costed ..	20 10%	23 11%	40 19%	19 9%	80 38%	17 8%	4 2%	5 2%	43 17%	208 83%
Preventive detainees released in 1955 .. % of group costed ..	12 9%	16 12%	15 11%	21 16%	47 36%	14 11%	4 3%	2 2%	21 14%	131 86%

The distribution of amounts is very little different from that of the first offences but the proportions above £100 decrease slightly and about half now amount to less than £10. The numbers of property offences per offender and per offender reconvicted for the two groups were 1.09 and 1.49 respectively for the other sentences group and 1.66 and 2.22 for the preventive detainees.

The total value of the 208 offences committed by 191 offenders given other sentences than preventive detention, was costed at nearly £22,000; the average per offence was therefore a little over £105. However, nine offenders were responsible for £14,000 and without this group the average amount is about £40 per offence.

The total amount for the 131 offences committed by 79 preventive detainees was £10,400 or £80 per offence. Again a large proportion of the total was contributed by very few offenders; six offenders committed offences totalling £5,600; for the remainder the average amount per offence was therefore £39.

For the group given sentences other than preventive detention the subsequent offences have been sorted into breaking and entering or larceny offences, but the numbers in the fraud group were too few to treat separately. The results were as follows:—

TABLE 49
Value according to type of offence

	Nil	Less than £1	£1-£5	£5-£10	£10-£100	£100-£500	£500-£1,000	£1,000 and over	Not costed	Total costed
Breaking and entering ..	15 16%	8 9%	6 7%	6 7%	42 45%	11 12%	1 1%	3 3%	24 —	92 100%
Larceny ..	2 2%	10 12%	28 35%	11 15%	23 28%	3 4%	2 2%	2 2%	8 —	81 100%

The larceny offences tended to involve smaller amounts than breakings, nearly half being less than £5 compared with about one-third of the breakings (even so the latter figure is augmented by the high proportion of nil amounts due to the offenders who were caught attempting to break into premises or who were "found on enclosed premises with intent to commit a felony" or in possession of housebreaking implements). If this group were eliminated the difference between the groups would be greater, the average amounts of the remainder being somewhat less than £70 per offence for larceny and about £105 for "breakers".

In our main analysis of sentencing the larceny offenders were treated more leniently than others. Nevertheless we showed earlier that these offenders were responsible for slightly more offences subsequent to release from sentence than other offenders. However, a bigger proportion of these subsequent offences consisted of larceny and, as we saw above, the larceny offences were less serious in terms of the money involved. It would appear therefore that, in giving lighter sentences to larceny offenders, the courts' sentences were related to the amount of harm that these offenders were likely to do in the future rather than to the amount of offending or whether they were likely to be reconvicted or not. There are, of course, other criteria of seriousness apart from the amount of money involved, and breaking offences and possibly frauds can certainly result in more hardship than larceny even where the monetary loss is less.

In order to produce a total figure which represents the general order of the monetary loss due to the criminal activities during the period studied we must multiply these average amounts per offence by the numbers of property offences committed by preventive detainees or, more simply, the amount per offender (counting all offenders whether convicted of property offences or not) by the number of offenders. For the liable group the average was about £115 per head or £45 per head per year and for the preventive detainees about £130 per head or £52 per year. Hence if the number of liable offenders convicted of an indictable offence in any year is 1,500 and the number sentenced to preventive detention 200, the total loss which it is necessary to protect society against is of the order of £69,000 and £10,000, say £80,000 per year. According to the sample results this figure might well be doubled to take account of the offences which the offenders admitted for purposes of sentencing. There would also have to be a further very substantial allowance for other offences which are not cleared up, if the actual saving in crime due to these offenders being kept in custody is to be calculated.

The amount will not be spread uniformly for any offender but as the offenders will at any time consist of some who have been recently released from previous sentence and others who have been released for some time, there is no need to take this into account.

The main problem in both these groups is to be able to predict the few offenders who are likely to commit very many or very serious offences and to protect society against them. If this could be done, keeping these offenders in custody for a very long period would be a much more economical proposition than treating a large number of offenders in this way (without necessarily including the important offenders whilst at the same time including a number who would be unlikely to commit an offence involving more than £10 or so in any circumstances in which they normally operate). The problem of identifying

potentially serious offenders is not very easy, although it is one in which Scotland Yard's records of *modus operandi* could certainly help. From looking at individual offenders' records it is evident that all the offences committed by some offenders are extremely petty. One of the ex-preventive detainees in the group studied had successive offences valued at 8d., 2s., 2s., 10d., 1d., but another offender committed all his offences within the range £100 to £500 each. Apart from the rare safe breaker (who often does not become liable to preventive detention) the fraud offenders contribute the really large amounts.

It is interesting to note that seven of the nine offenders whose offence contributed the largest amounts in the group released from imprisonment, were sentenced to preventive detention for that offence, and in the group which was released from preventive detention, four of the six offenders whose offences involved the largest amounts also received a further sentence of preventive detention. These offenders will not be in a position to commit any further serious offences during the next six to eight years.

It must be admitted that the problem of predicting the amount of loss likely to be occasioned by the offences is complicated by the fact that when a larceny—or even more, when a breaking and entering offence is committed—it is largely a matter of chance whether the offender succeeds in getting away with a large or a small amount. Nevertheless the courts' previous sentence appears to have been more closely related to the seriousness of the offences committed subsequently than to whether the offender was reconvicted or not.

In the main, the amounts of money involved in the offences committed by the majority of offenders are not large. At the rate of two offences per year (counting the offences taken into consideration), even if we allow an equal amount for others not cleared up, most offenders must be quite unable to live on the proceeds of their criminal activity. The average value of the money or property assessed was rather less than £50 per offence (excluding the few very large amounts) but in the cases in which the loot consists of property, the offender may be expected to get a mere fraction of this amount when he comes to dispose of the goods. The cost to the community of the losses incurred is much less than that of keeping the offenders in custody. Many offenders earn wages for casual or unskilled jobs which they alternate with periods of unemployment (Chapter 18) and it is likely that, even if they are not being held in custody, many will be a drain on the public purse through receiving unemployment allowances or National Assistance and all this should be set against the cost of institutional treatment.

Summary

The main object of this chapter is to assess the extent of offending and the amount of harm that might be expected in the future from offenders if they were not sentenced to preventive detention. In order to make this estimate we studied the subsequent offences during a four to five year period of offenders released from preventive detention in 1955, and the one-third sample of liable offenders convicted in 1956. We also compared the type of offences committed by offenders in the 1956 groups who had previously served a sentence of preventive detention.

The 79 preventive detainees spent an average of two years in prison during this period, they had appeared before the courts on 131 occasions, had committed 240 offences, and had a further 528 offences taken into consideration.

Twenty-five per cent were not reconvicted and a further 10% were reconvicted but not given imprisonment. The 337 liable offenders had also spent two years in prison, had appeared before the courts 563 times, had been convicted of 762 offences and had a further 613 offences taken into consideration; 27% were not reconvicted and a further 5% although reconvicted were not returned to prison.

The interval (four to five years) was terminated by a further sentence of preventive detention in the case of 35 (44%) of the preventive detainees, and 40 (12%) of liable offenders.

The kinds of offences committed compared closely with those committed by the 1956 liable offenders at the time they were sentenced to preventive detention or given other sentences. Two-thirds of the first offences of the liable offenders and three-quarters of those committed by preventive detainees consisted of larcenies or breakings. The liable offenders committed more non-indictable offences (suspected person, drunkenness etc.) and the preventive detainees continued to commit more breakings. In all groups convictions for violence or sexual offences were extremely rare. A similar pattern of offences occurred throughout the interval.

The amounts of money involved were less than those of the 1956 offences. Just over one-fifth involved amounts less than £1 and about one-fifth (preventive detainees) and one-seventh (liable offenders) involved £100 or more. The proportion of the larger offences decreased slightly throughout the period. The total amounts were made up mainly of a few very serious offences involving very large amounts and the problem is to identify the offenders who are most likely to commit offences of this kind. Apart from this minority, the offenders averaged about one offence per year at liberty, which averaged under £50.

The preventive detainees committed rather more offences, and the offences were more serious than those committed by liable offenders. In the latter group offenders convicted of larceny in 1956 had more subsequent convictions, but fewer offences taken into consideration than other offenders, but they were of a less serious kind.

The problem is to be able to predict the few offenders who are likely to commit very many or very serious offences and to protect society against these offenders. Some offenders always commit extremely petty offences, one of the ex-preventive detainees studied had successive offences valued at 8d., 2s., 2s., 10d., 1d., but another had all offences in the £100-£500 range. Apart from the rare safe-breaker or wage-snatcher who often is not liable to preventive detention, the fraud offenders contribute the really large amounts.

The problem of predicting the amount of loss likely to be occasioned by other offences is complicated by the fact that when a larceny or a breaking and entering offence is committed it is largely a matter of chance whether the offender gets away with a large or a small amount. The amounts of money involved in the offences committed by the majority of offenders are not large. At the rate of two offences each year (counting those taken into consideration), even allowing an equal amount for offences not cleared up, most offenders must be quite unable to live on the proceeds of their criminal activity. The average value of stolen money or property was assessed at rather less than £50 per offence. The cost to the community of the losses incurred is much less than that of

keeping the offenders in custody, although it must be remembered that when not in custody, a large proportion of the men may be an expense to the community through being dependent upon unemployment allowances or National Assistance.

One other aspect of cost to the community must be considered. It has been seen that liable offenders when released spent rather more than half the next four years undergoing further sentences of imprisonment. They therefore took up time and energy of the police and courts in bringing them to justice, which is additional to the estimates of the comparatively small amount of financial loss occasioned by their crimes.

PART II

CHAPTER 14

SOURCE OF THE MATERIAL ANALYSED

IN Part I we were concerned with the objective information from the offender's criminal record as set out in the after-trial calendars and this factual information has been related to the court's sentencing practice and to the probability of an offender being reconvicted. We now wish to consider certain wider aspects of the offender's behaviour and in this case we are confining the information to preventive detainees.

As we saw in Chapter 1 the Advisory Board on Preventive Detention meets to consider whether the offender serving a sentence of preventive detention shall be put on third stage and be released after serving two-thirds of his sentence or whether he shall remain in the second stage until he has served five-sixths of his sentence. In order to help the Board to reach a decision, the prison where the prisoner is housed is required to make a report to the Board on the prisoner. This report (number 1140), a copy of which is included in Appendix B1 provides the main source on which the present analyses are based.

The composition of the Board and the way in which it operates have been described in a memorandum to the Sub-Committee on Preventive Detention of the Advisory Council on the Treatment of Offenders by the Chairman of the Board, Mr. Bertram Reece, C.B.E. The following description is quoted from this memorandum.

The Advisory Board, its composition and method of operation

The first Advisory Board was set up under the Prison Rules 1949 at Parkhurst prison. With the increase in numbers other prisons were opened for preventive detention prisoners and in consequence there are now three other boards for men—Nottingham, Chelmsford and Eastchurch—and one for women at Holloway, sitting quarterly at each prison. For brief periods there were also boards at Dartmoor (1953) and Northallerton (1955) prisons for men and at Durham for women. The pattern of membership of the boards is generally similar: three members nominated by the local Board of Visitors; a Principal Probation Officer for the area; one other member, who at Parkhurst and Nottingham is the same retired Prison Commissioner, at Eastchurch is the County Director of Education, and at Chelmsford is a practising psychiatrist; with Mr. Bertram Reece as chairman. The Chief Director at the Prison Commission is a member of all the four boards for men and at the women's board his place is taken by the woman Assistant Commissioner. There is no additional member on the Holloway Board. At all boards a representative of the Central After-Care Association and the Governor and Assistant Governor of the prison attend to give any information that may be required.

Under the terms of Rule 166(1):

"The question whether a prisoner in the second stage shall be admitted to the third stage, and the date of his admission, shall be decided by the Advisory Board", and Rule 172(3) provides that "the

Advisory Board shall at each quarterly meeting consider the case of every prisoner, who has served three months or more in the third stage, with a view to recommending his release on licence within three months thereafter if they are satisfied, having regard to his conduct in the third stage and his prospects on release, that there is a reasonable probability that he will not revert to a criminal life".

A prisoner has the right, by the Rules, to appear in person before the Board and present his case in his own way and at his own time. He has already had abundant opportunity to prepare his case in advance because when he enters the second stage he receives the following notice amongst his cell cards.

"You will in due course become eligible to be brought before the Advisory Board, which will decide whether you should be admitted to the third stage.

The meaning of this procedure is explained on Card No. 130, but this notice is intended to emphasise certain points so that you shall be in no doubt about your position.

Do not expect admission to the third stage to depend simply on whether or not you have kept out of trouble in prison. What the Board has to consider is whether you are going to keep out of trouble when you go out of prison. Unless they can feel reasonably sure about that, there is no reason why you should be released earlier than the usual time, i.e. after serving five-sixths of your sentence.

The Board, which is presided over by a Metropolitan magistrate, will give full and fair consideration to your case. They have before them all the information available about you, including full reports from the Governor and staff about your behaviour in prison and the way you have responded to the opportunities open to you in prison to prepare yourself for the problems you will have to face on your release.

The Board will see you and you will be able to say whatever you can say to help them. They will be glad to take a favourable view of your prospects if they can find any reasonable grounds for doing so. But remember that you failed many times before you got this sentence. You are in preventive detention for the protection of the public, and the Board has to think of the public as well as of you".

There are exceptional cases where a prisoner for reasons best known to himself refuses to appear before the Board and his case is considered in his absence in the light of information then before the Board and the decision of the Board is conveyed to him by the Governor.

Some days in advance the members of the Board are provided by the Prison with a specially prepared report, so that when they meet they have all had an opportunity to study the documentary information about the man. This report is comprehensive and sets out, *inter alia*, details, so far as is known, of the prisoner's antecedents, his character and outlook, his work record in and out of prison, his attitude towards his family (if any) and the facts about his physical and mental health. The Board have also brought to their attention letters, which may have been addressed to the

prisoner personally, the Governor and the Board by relatives, potential employers or anyone interested in the prisoner and likely to be of assistance to him on his release. The report ends with a prognosis for the future and the opinion of the Governor, Deputy Governor, the Chaplain, the Medical Officer, and the Chief Officer as to whether the prisoner has made a satisfactory social adjustment or not. In addition, each member of the Board is provided in advance by the Central After-Care Association with case sheets setting out a short history of every prisoner on his discharge from previous sentences. The prisoner then appears before the Board and states his own case in his own way and at his own time. If for some cause, e.g. nervousness or inability to express himself satisfactorily, a prisoner wishes to read his case from notes, he is permitted to do so. He is informed as to the contents of any correspondence which may have been addressed to the prison on the lines indicated above and he is advised that the board has already examined such correspondence. He is given the opportunity of producing for the board's inspection, if he so wishes, any letters which may have been omitted or have arrived too late for inclusion in the report supplied to the members of the Board previously. The prisoner may be and in fact is almost invariably questioned by the Board. He then retires and the Board in his absence examines all the information—documentary and otherwise—before them with due regard to the submissions made by the prisoner personally on his general reaction and demeanour, and endeavours to size up the impression he has given as to his outlook for the future, and whether there is a reasonable probability that he will not revert to a criminal life. The Board comes to a decision, and on the recall of the prisoner the decision is then and there communicated to him by the Chairman.

Once a prisoner has been admitted to the third stage his case is only considered by the Advisory Board under Rule 172(3) if the prisoner's conduct has been adverse. Provided the man's good conduct has been maintained his transfer to the hostel at Bristol or Nottingham is made without further reference to the Advisory Board. A minority are not able to be transferred to the hostels because of physical defects or age.

Form 1140 contains information on the prisoner's early background, his family relationships, his behaviour during the prison sentence (with special reference to his attitude to the staff, his efforts towards rehabilitation and the extent to which he has made use of his opportunities in prison, e.g. has attended courses etc.). The form also contains details of any offences committed against prison discipline and it lists a number of factors in the prisoner's history which the Prison Commission regards as adverse from the point of view of the offender's future. In addition the medical officer reports on the prisoner's health, physique, personality type, level of intelligence and any psychiatric or emotional disturbances. The chief officer, the medical officer, the chaplain, the assistant governor, and the governor also report whether they think that the prisoner is likely to be rehabilitated and remain free from crime or is likely to return to crime on release from prison. The subjective opinions of the staff will be considered first and the more objective circumstances in the offender's history will be analysed later.

The place of subjective reports in research into offenders' conduct

The reports to the Advisory Board* contain a mixture of factual information and subjective opinions about the prisoners. The statements made by the staff about the prisoners' behaviour are concerned primarily but by no means entirely with his chances of rehabilitation. They are not restricted to any set form, and the information they contain has to be codified and to some extent interpreted before it can be used statistically. We are convinced that this area could provide very valuable information, because the knowledge is based on detailed observation and interpretation of the offender's behaviour by people who have been in contact with preventive detention prisoners and similar groups for many years. It would be almost impossible to get this kind of information except by embarking upon a prolonged field study.

The object of this chapter is to see, first, how far statements descriptive of the prisoner's characteristics and past or present behaviour can be used to provide quantifiable information, and secondly, to see how far the reports add to the predictive value of the objective information which we have already obtained. There are two criteria with which we shall be concerned; in the first place, the information is designed specifically to guide the Advisory Board in its allocation to third stage and it will therefore be analysed in order to see how far the Board's decision is related to this information. In addition we shall see how far the reports add to the prognosis of reconviction.

Method of obtaining reports of prisoners due to appear before the Advisory Board

The staff reports are entered on form 1140 in the following way. First a local pro forma is filled in by the several officers concerned, namely, the earnings officer, censor, library officer, educational training officer, party officer or instructor, and the hall principal officer. Each officer makes his comment on the part of the offender's behaviour which is his concern. To these comments the chief officer and the chaplain or person responsible for the prisoner's religious welfare, add their general statements. These last two have therefore seen the comments made by the discipline staffs and one or other will have seen the other's report depending upon which one makes his entry first.

Section A of form 1140 is completed by the discipline officer from the offender's record. The pro forma is handed to the assistant governor who, after interviewing the prisoner and after discussing with the staff any problem or doubt which may arise about the pro forma, completes Section B. The assistant governor also enters Section C in the same way, having the man's file before him for the purpose. Section D is completed independently by the medical officer, from his interview with, and examination of the prisoner, and he also completes his part of Section E. Parts 1 and 3 of Section E are then filled in from the pro forma entries, the assistant governor makes his prognosis under E.4 and the governor is the last to make a statement; the governor, therefore, is the only person to see the collective information supplied by the rest of the staff (including the assistant governor).

* In the analyses we have referred always to the Advisory Board but it should be recognised that the results are combined from the different boards which sit at each prison.

The governor and assistant governor may review and discuss particular cases where the prognosis is doubtful, before the governor makes his own statement. Apart from these cases, nobody is aware of the governor's views until the final form 1140 is typed.

The Board therefore, has before it all the relevant information about the prisoner which has been collected from his past record and during his imprisonment in Stages I and II.

Summary

During the second stage of his sentence the preventive detainee is interviewed by the Preventive Detention Advisory Board to determine whether he shall be admitted to third stage and be released after serving two-thirds of his sentence or continue in the second stage and remain until he has served five-sixths of his sentence.

In this part of the report we have studied the social information provided by the preventive detention prisons for the use of the Advisory Board.

The composition of the Board and its method of operating are given in full in a quotation from a memorandum by the Chairman to the Advisory Council on the Treatment of Offenders. Briefly, the Advisory Board consists of three nominated members of the Board of Visitors, a principal probation officer and representatives of the Prison Commission in addition to the chairman. The prison governor and welfare officer are present to answer any questions the Board may ask. The purpose of the Board is to decide whether the prisoner should be placed on third stage or not.

The Advisory Board is provided with details of the prisoner's early background, so far as it is known, his behaviour whilst in prison, a summary of his previous offences and sentences and certain factors such as drunkenness, bad companions and so on, which the Prison Commission regards as important in relation to the offender's future.

Five members of the staff, namely, the chief officer, medical officer, chaplain, assistant governor and governor each write statements about the likelihood of the prisoner remaining free from crime or returning to it in the future. The information is entered on form 1140, a copy of which is enclosed in Appendix B1.

The method of obtaining the information for form 1140 is described; it is compiled by the assistant governor usually from a pro forma filled in by members of the prison staff.

The main analysis is restricted to preventive detainees and the immediate aim is to see whether the subjective statements made by the prison staff can be quantified and used in a numerical analysis.

We are concerned with two criteria. In the first place, since the information is intended to guide the Advisory Board in its allocation to third stage, we can see how close is the agreement between the Board's decision and the information given on form 1140. Secondly, we can see how far the reports and the Board's allocation agree with the offender's subsequent history.

METHOD OF QUANTIFYING DESCRIPTIVE STATEMENTS

THE first consideration is mainly methodological; the verbal statements have to be translated into scalar items and this process involves judgments on the part of the person doing the scaling. In this respect we can either rely on the judgment of one person and use this throughout, so that any bias which may be introduced may at least be expected to be a consistent one for all offenders. This is open to the objection that such information may reflect the judgment only of the particular interpreter while another person might give entirely different results; we should, in fact, have no indication of how far any results obtained from this method were due to the individual standards of the person making the interpretations and we could not compare such results with those obtained from any other study. The second method is to obtain scaled values from a number of different interpreters using a common set of instructions or reference values. We can then see how far they differ and we can either accept the majority verdict or alternatively, accept the assessments of the one assessor whose judgments agree most closely with those of the group. Another alternative is to weight the assessors' categories in such a way as to produce the highest correlation with an external criterion of behaviour after release from sentence, for example, whether the offender was subsequently reconvicted or not.

The first problem is to check whether the statements are capable of being translated into categories and if so, whether the interpretations agree. If there were complete disagreement between the interpreters about the supposed implications of the statements, this would mean that the statements were quite useless for research purposes and, in that event, one would presume that the Advisory Board would also have difficulty in deciding what the reports meant and what action it should take as a result. If, however, the statements are capable of being scaled with a considerable measure of agreement by a number of observers, then such statements can be used quantitatively to study the inter-relations between the different aspects of behaviour they cover. Moreover this provides an opportunity of dealing with the inter-action of the prisoners with different members of staff. This would open up to quantitative research a new field of staff prisoner relationships which might provide the key to much criminal behaviour which, for want of more adequate information, we have had to leave out of account in the past. We have, therefore, considered it worthwhile to treat the results of different interpretations of the staff statements in some detail.

A pilot investigation had previously been made for a different purpose on 12 randomly chosen offenders for whom all staff reports were available, each staff forecast of reconviction being assessed on a five-point scale of probability of reconviction by eight observers.* The results of the small pilot are not shown but they were promising and we decided that we would both assess the written comments on the prisoner's behaviour in prison, efforts towards rehabilitation and attitude towards the staff as well as the staff forecasts, on a much larger sample, using a modified five-point scale. In addition, we obtained

* Undertaken by Mr. L. T. Wilkins of the Home Office Research Unit, unpublished results.

one further set of assessments for each prisoner from another member of the Research Unit (in this case not always the same individual); in order to maintain anonymity we will label ourselves "X" and "Y" and the extra member of the Unit "Z". We were able to treat the following information in this way; statements by the prison staff respecting the offender's behaviour whilst in prison (B.1), his attitude to society (B.2), his attitude to the staff (B.3), together with the five staff members' statements on the offender's future prospects (E.1 to E.5). The resulting scales were then compared for each offender in the sample.

The Sample

The sample studied consisted of 165 reports to the Advisory Board which were made available to us by the Prison Commission for a different purpose; it consisted of reports for 65 offenders discharged from preventive detention after being allocated to third stage and 100 released from second stage. The third stage offenders consisted of all men released from preventive detention prisons during the period May, 1952 to March, 1958, whilst the second stage men consisted of all such offenders released during the period October, 1954 to December, 1955. 145 offenders (63 released from third stage and 82 from second stage) were available for the study of reconvictions; for consistency, this number has also been used to study the relations between different items and the Board's allocation.

It was necessary to take third stage prisoners from a longer period than the remainder, in order to provide a sufficient number of cases for analysis. The resulting groups do not therefore represent the true proportions allocated to third stage by the Board; this was 17% overall. The results have been tabulated separately within the second and third stage groups; in order to combine them we have first to multiply the second stage results by a factor 3.7 to counter-balance the sampling ratio of 3.7:1 adopted in the third stage group ($\frac{63}{17}$) (63 is the number of third stage offenders we included and 17 is the number of offenders who would be expected to be allocated to third stage among any random group which included 82 not so allocated). When we compare the various levels of assessment adopted by the staff and the Board, we have also multiplied up the second stage results in the sample in order to give a result which is not overweighted by the third stage group. Three interpreters' assessments were available for each of the eight statements about the 165 offenders in the sample, thus providing nearly 4,000 comparisons in all.

Nature of the scales

The assessments involved rating each statement on a five-point scale of favourability termed grades A to E for convenience of presentation. We did not attempt to produce a normal distribution of grades for the sample as a whole, since this would have involved a study of the whole group in order to get the general level or "feel" of the sample, followed by a kind of matching procedure to establish the boundaries of the classes. Although this technique is possible, particularly if the reports are on separate cards which can be shuffled, arranged in packs and then adjusted by transferring some cases from one category to another until an approximately normal distribution results, the method has limited use in general research practice because of its inherent difficulties.

Instead we attempted to draw up and define the categories in each statement in such a way as to correspond to general levels of favourability in whatever aspect was being considered.

The basis for statements concerning the prisoner's behaviour in gaol was as follows: "neutral" comments (those which we could not regard as particularly favourable or unfavourable) and mixed comments in which favourable and unfavourable items were mentioned about equally were put into a middle group (designated C).

Next, comments which included an excess of favourable aspects but in which there were also some unfavourable items (or in which the positive or favourable elements were strongly qualified although they nevertheless predominated over adverse aspects) were rated B.

A similar category in which there was an excess of adverse items but in which these were qualified by positive ones was rated D.

Extreme categories in which all aspects were either favourable or unfavourable were rated A and E respectively.

For the extreme groups it was permissible to include comments which were qualified to some extent, provided that the overall favourable or unfavourable impression was so over-riding that the qualification or negative aspect could be ignored. (If more than one unfavourable aspect was included in the favourable group or more than one favourable comment in the unfavourable group the extreme grade was not used.)

Virtually the same basis was used in interpreting the statements made by the different members of staff when asked to indicate the offender's likelihood of further reconviction. In these cases the criterion reconviction or not, on which the staff were asked to report, was a narrower one and therefore, any comments on the character or antecedents of the offender which did not specifically refer to the probability of a further reconviction, e.g. comments about the offender as a "plausible rogue" and similar epithets, were graded C, equivalent to the "neutral" group. Any reference to a successful prison adjustment was also counted as "neutral" unless the reporter specifically mentioned its effect on future rehabilitation.* As before, mention of an approximately equal number of items likely to lead to success or failure was also included in C. A qualified mention of future success in which it was nevertheless clear that the positive aspect was being stressed, counted B and similarly a qualified reference to failure or reconviction or a future life of crime was classified D. A *very definite* pronouncement of success or emphasis on favourable signs or rehabilitation if allied to prognosis of future behaviour counted as A and similarly a definite and virtually unqualified statement of a likelihood of future reversion to crime counted as E.†

* In discussion afterwards we found that interpreter X tended to interpret these "neutral" items as having rather more relevance to reconviction (either positively or negatively) than interpreter Y. This showed up as a more frequent use of the extreme categories by X and of category C by Y.

† Assessments by Z were made on the basis of the scheme drawn up for the pilot investigation as shown in the assessment form in Appendix B2 and not on the modified form used by X and Y. In this case the probability of future reconviction rather than a scale of favourability of the factors recorded determined the grade.

Reliability of the method of scaling descriptive statements

Twenty-five offenders' schedules were drawn at random after the initial assessments had been made and two of us (X and Y) again assessed them on the five-point scale, after an interval of three to four days. Before analysing the differences between the three observers' ratings, the reliability of X and Y was checked on these twenty-five cases and the results were as follows.

There was complete agreement on the five-point grading on repeating the assessment in the following percentage of cases.

	Prison behaviour	Social attitude	Prison Conduct	Prognosis				
				Chief Officers	Medical Officers	Chap- lains	Assistant Governors	Govern- ors
Observer X	% 68	% 52	% 60	% 72	% 64	% 60	% 72	% 80
Observer Y	64	64	72	84	68	64	72	96

Two hundred assessments were repeated in all, and interpreter X was in complete agreement in 66% and interpreter Y in 73% of them. All but seven (3%) and four (2%) of the individual discrepancies for X and Y respectively, represented one grade only and none of the discrepancies amounted to more than two grades.* Both of us found the reports of the governor and the chief officer least ambiguous to interpret and we were also in agreement in finding the greatest difficulty in interpreting the reports concerning evidence of social rehabilitation during sentence. These were provided by the assistant governors from his interview with the prisoner and from the pro forma reports provided by the discipline officers as we have seen. This item was much less specific and required more interpretation on the part of the officer making the report than the items dealing with prison behaviour or with prognosis of future criminal behaviour. One difficulty was that some of the items mentioned seemed neutral or irrelevant and others, although relevant, included widely divergent aspects. These ranged from the prisoner's own statements† about his attitude to society, his conception of its responsibility to him (or his to it) to descriptions of actions which indicated the prisoner's social responsibility—or, in many cases, his responsibility towards his own family only—and any indications of the prisoner's conception of right and wrong, according to which aspect was best known to the officer making the report.

* There were two cases (one for each observer) in which a three grade discrepancy was recorded but in both cases these were clearly due to transposition of the scale order. These two values have been corrected because we are interested in the ambiguity or otherwise of verbal statements and it was quite evident that the statements to which values (both of 4), were given on the second occasion could not possibly correspond to a favourable prognosis.

† It should be understood that the reliability of the information on which the reports are based is not being tested. The prisoner's statements might be different from one week to the next and the terms in which they are reported by the assistant governors might also be expected to vary, but we are only concerned here with our interpretations of the reports as recorded on the one occasion.

There was no consistent tendency for Y to mark the comments either more strictly or more leniently on the second occasion compared with the first, but X tended to interpret the records slightly more strictly on the second occasion.

It is quite clear from these results that each of us is fairly consistent about what or she thinks the statements are intended to imply in relation to the variables abstracted. Without this minimum requirement of individual reliability (repeatability) in coding the statements, the reports could not be used for quantitative research at all. This requirement alone is not sufficient, however, since it is possible for one interpreter to have a bias which, although it is constant, differs from that of another. Absolute results would then differ according to which interpreter's results were used but the relative findings for different prisoners would be less likely to be affected. A difference in the general standards of two observers would affect the results for the group as a whole and a difference in the variability of the interpreters (tendency to use extreme grades or to confine the grades to the middle range) would affect the relative results of different individuals. The difference might be one of degree only (in so far as the interpreters differed in the spread of the gradings but not in their direction). There might also be random differences due to the interpreters basing their results on different aspects or modalities (as was suggested may have been the case in item B2) or simply in the emphasis they had placed on the qualifying statements or contradictory elements included in the reports.

The results of the analysis of the agreement between the three interpreters are shown in Appendix 4.

The detailed results shown in the appendix indicate that, with some minor exceptions, the three interpreters maintained very similar *general* standards and they also tended to spread their gradings from A to E in much the same way. In making comparisons of ratings given to the statements about individual prisoners it is not therefore necessary to make any kind of adjustment for the different levels of severity shown by the three interpreters. (We shall see later that some adjustment is necessary in this respect when we consider the different prison staff's statements and the implications of these statements for the Advisory Board's action and the prisoner's treatment.) In passing, we may note that the interpreters had no difficulty in agreeing which members of the prison staff were the most severe or lenient in their judgments.

The extent of agreement between the interpretations of the statements about individual prisoners may be summarised by the finding that for all eight items combined [B1-B3 and E1-E5] all three interpreters were in complete agreement in allocating grades A to E in 40% of the cases, two agreed completely with each other but not with the third in a further 52%, so that in only 8% of statements was there partial disagreement between all three interpreters. The disagreement was mostly by one grade only, i.e. A instead of B, D instead of E and so on. The correlations between interpreters (on the five-point scale) ranged from 0.71 to 0.93 with mean of 0.82 and the lay interpreters agreed as closely with the psychologically trained members as they did with each other.

It was noticeable that the staff views about the prisoner in relation to subsequent reconviction were easier to interpret than the items on prison behaviour and social adjustment. We attributed this partly to the fact that the prognoses were directed to one aspect whereas conduct in prison and social

adjustment covered rather wide fields and hence left more latitude for interpretation when producing grades. Surprisingly perhaps, the statements on the prisoner's attitudes towards the staff were also rather more difficult to grade than the staff prognoses, since one would have expected these to be fairly specific.

Among the staff comments the assistant governors' and governors' statements were easiest to grade, largely because these were in the nature of a summing up and, therefore, tended to be more definite judgments to help the Board.

As most of the differences in grading concerned the extreme grades [the distinction between grade A and B in item B3 (attitude to staff) showed the largest discrepancy in this respect], it appears that the most satisfactory method of rating is to use a five-point scale and to convert the five grades to three when the results suggest this is to be desirable.

The results may be summed up by saying that the interpreter agreement on a three point scale was reasonably close and the exercise had demonstrated that the statements about the various items of behaviour could be translated into grades with sufficient accuracy to render them amenable to quantitative methods of analysis.

Besides the general statements which are intended to summarise the staffs views about the prisoner for use by the Board, the assistant governors also make descriptive statements about the prisoner's intelligence, ability to stick to a job, home background and so on, based on their observations of his behaviour in prison and the prisoner's own account of his past and of his circumstances outside. In order to analyse these statements we have isolated a number of aspects from them and recorded them in the form of the presence or absence of certain items such as, "low intelligence", "interrupted education", "adverse home background" and so on. We have not made any rigorous check on our coding of these items, although two of us discussed the cases about which we considered there might be ambiguity and we frequently checked back on the coding when the items suggested any inconsistency from one part of the form to another (see Appendix 3).

Results of analysing descriptive assessments

The detailed results of analysing the staff predictions of the offenders' likelihood of returning to crime are available to research workers and others interested in the methods, on application to the Home Office.

The major problem is to allow for different standards necessitated by varying degrees of optimism among the staff comments.* Thus to equate the chaplains' grade E, which contained 21% of the sample, with the governors' grade E, which contained 59%, meant that there was bound to be considerable disagreement about individual prisoners. There is not necessarily any direct

* A similar problem arose when analysing the agreement between clinicians and their reliability in assessing nutritional status, see Bransby and Hammond: "Reliability of the Clinical Assessment of 'Nutritional State', 1951", where a similar technique was employed to adjust for different standards of assessments when comparing the agreement in respect of individual cases; Hammond "Factor Analysis as an Aid to Nutritional Assessment, 1944" had also used a scoring system based on factor analysis of recorded clinical signs to provide weightings similar to but rather more complicated than the scoring system applied in Chapter 19.

relation between the grade given for rehabilitation or probability of reconviction and the criterion (reconviction during the four years of our follow-up period), since for this kind of offender, the staff may have considered a gap of two years as relatively favourable. Therefore, it could be argued that we should really compare the individual prisoner's grades *relative to the assessor's own standards*. In other words, we should see whether the staff are in agreement about the offenders whom they consider constitute the worst 25% of the group and so on, whatever grades they are given. On this basis we should compare the governors' grade E with the other staff's grades D and E (or in the case of the chaplains, grades E, D and C). Similarly, the chaplains' grade A contains about the same number as those graded A or B by the chief officers and governors. Correlation coefficients between the gradings provide measures of the agreement which automatically allow for differences in the general standards and also in the "spread" of the grades (extent to which the extreme grades are used).

We have correlated each of the three statements on prison behaviour and the five staff prognoses with each other. The inter-correlations of the gradings of the different aspects of prison behaviour with each other (mean $r=0.54$) were somewhat higher than those between the staff prognoses of reconviction (mean $r=0.44$) or than the correlations between prison conduct and the prognoses (mean $r=0.37$). The assistant governors were found to be most representative of the staff and the chaplains the least representative.

It was clear that the staff statements about the offender's chance of reconviction were largely conditioned by the reports of the prisoner's behaviour whilst in prison and especially his attitude to the staff. Much of the agreement between the staff prognoses was due to their agreement on how much emphasis they gave to the offender's behaviour whilst in prison. We found, however, that the staff judgments on prison behaviour (attendance at courses, work ability and so on) were almost uncorrelated with the number of offences against prison discipline which the prisoner had committed, although the assessment of the prisoner's attitudes to the staff was closely related to his prison offences.

The agreement also depended, as one might expect, on the extent to which the staff were aware of each other's reports. This possibly accounts largely for the greater agreement between the assistant governors and the other members of the staff than between any other groups.

The Board's allocation to third stage agreed closely with the staff assessments of probability of reconviction. The correlation between the Board's allocation to third stage and the staff grades ranged from 0.31 (chaplains) to 0.78 (governors) and averaged 0.53. This shows that the Board took note of the staff reports to a considerable extent or else that the views which the Board held about the men's suitability for third stage coincided reasonably closely with the staff views on whether the offender was likely to return to crime or not. The Board's decision also agreed closely with the staff assessments of the prisoner's behaviour at classes and his efforts at rehabilitation ($r=0.60$ and 0.64) but to a less extent with the assessments of the prisoner's relations with the staff ($r=0.44$).

When the prisoner's behaviour grades or staff prognoses were arranged in order from A to E, the proportions of offenders who were allocated to third stage decreased very sharply; all prisoners given grade A (other than for prison behaviour or by the chaplains) were allocated to third stage whilst the proportions in grade E who were allocated ranged from 0% to 11%.

We have compared the offender's subsequent reconviction history with the staff predictions, employing the same methods which we used to relate these predictions to the action of the Advisory Board.

There was negligible agreement between the staff prognosis of reconviction and the offender's actual reconviction experience. As many men whom the staff placed in the most favourable category "A" were subsequently reconvicted as those whom they placed in the worst category "E". No type of officer appeared to be markedly better than the rest in ability to predict.

The disparity could not be accounted for by the different standards adopted by the staff, because even when these were allowed for the agreement was no greater than would be expected if the staff had classified the offenders as "failures" or "successes" at random.

The correlation between the staff prognoses and reconviction within four years of release from sentence (biserial correlations) averaged 0.066 ranging from zero to 0.158 and the correlation with the interval before reconviction was no higher. We also found that there was only slight increase in the correlation with reconviction when the staff assessments were combined or when the comparison excluded those offenders about whom the staff were in disagreement. These negative results were not due to the length of interval followed up, (four years was used because this was the maximum time available), because as we have seen, the staff also failed to predict the offenders who would be reconvicted during shorter intervals.

Prison behaviour whether based on the staff's subjective judgments or the objective criterion of number of offences against prison discipline had only low correlation (mean $r=0.135$) with the offender's subsequent reconviction.

We have already remarked that the prisoner's behaviour in prison is very inconsistent and varies towards different members of the staff and also according to whether obedience to rules or some more positive aspect of conduct is being considered and since, in any case, the different aspects are not related to reconviction, there is little on which the staff can base their judgments. It can be supposed that absence of any complete "feed back" would also tend to prevent the staff knowing which of their intuitions were correct and which they ought to modify in the light of experience. The Board was also unable to select those least likely to be reconvicted ($r=0.156$) and the same remarks would seem to apply to it.

In the next chapter we shall analyse the characteristics which we have isolated from the staff reports to the Board, in relation to the Board's selection for third stage and also according to the offender's subsequent reconviction. We shall also attempt a statistical prediction of reconviction based on all the information available to the Board.

Discussion and suggestions for further research into verbal reports on offenders

When records are made in the form of written statements about the prisoner's efforts at rehabilitation rather than in grades or categories, the information they contain can range over a very wide field. It is evident that the different staff members see different facets of the men's characters (since they "sample" different parts of his behaviour) but it is also clear, in many cases, that the prisoner makes a very different impression on the various members of the staff, even when the same conduct is specifically referred to. For example, one

prisoner is reported by the duty officer as a keen attender at a class which produces bandages for lepers and knitted cardigans for the Church Army to the extent of supervising the work and taking his meals in his cell so that he could get on with the work. His religious activities were also reported as making the prisoner a butt for other prisoners. The chief officer refers to the same man as being a petty sneak and having tried using religion as a cloak and his work in the knitting class as a means towards third stage. The assistant governor refers to him as "needing lots of approval, basking in the knowledge that authority thinks well of him and lacking the moral stamina to face the disapproval of the group in which he lives, hence he is always seeking to buy the approval of authority *without alienating that of his fellow prisoners* [our italics]. He therefore concentrates on neutral matters like classes". The interesting point here is that whichever view may be nearest the truth, the prisoner certainly succeeds in arousing violent emotions towards himself. By contrast with these somewhat emotionally toned comments, the governor was more impartial and detached, as befitted his more distant relationship with the prisoner. His comment was: "It is impossible to judge how far his 'conversion' is true and likely to last" and he added "if he worked as hard and well outside as he does inside there would be no need for him to come to prison".

The interaction of the personalities and prejudices of the rater and the person described forms a fascinating sidelight which might be very important in relation to the offender's progress outside, because it is just such responses and interactions which the offender is likely to call up in the people he meets in his everyday life which may, in part, determine his criminal conduct. Certain offenders appear to affect all the prison staff in very much the same way, whilst others arouse quite radically opposed reactions. Sometimes these staff reactions are couched in strong emotional tones and it might be worthwhile for a person with the necessary psychological insight to assess and count the numbers of value judgments and the use of emotionally loaded terms for those prisoners on whom there is considerable agreement in the ratings compared with those about whom the raters disagree most widely.

One might suppose that the prisoners who get on with and are liked by some members of the staff but not others may well be open to reformatory influence by the former and it might be worth while arranging transitional staff/prisoner groups—in conditions where there are opportunities for close contact as under the Norwich system—in order to bring together those most congenial to each other.

It is also clear from reading the reports that certain officers are more sceptical than others. The chief officers tended to "see through" the prisoner's efforts or claims to be reformed. The chaplains, naturally enough, accepted the prisoners' statements more readily, partly no doubt, because the offenders are more likely to discuss conversion with the chaplains than with other members of the staff. In the same way, the medical officers will be more aware of and concerned with the prisoner's physical and mental health than the other four observers and they more than the other members will be expected to base their judgments on these aspects, since the prisoners' responses are in this field. Assistant governors tended to be more favourably impressed with the offenders' efforts and also to refer to their problems more often than the governors. Here, again, this is probably related to the closer contact which the assistant governors have with the prisoners. The governor is expected to "sum up"

the other reports and, as far as possible, provide a fairly clear lead to the Board and, if this is so, we should expect his judgments to be the most definitely favourable or unfavourable and less often qualified or intermediate.

It would be possible to make a count of the number of items or aspects included in the written reports but this would be partly conditioned by rather extraneous matters such as the observer's energy or time available for writing reports, the degree to which he thinks it necessary to set down the factors on which his judgment is made and also the simple matter of the amount of space available. Nevertheless there are noticeable differences and it would be interesting to see whether the observer who refers to most different aspects then gives less extreme judgments than the one who refers to one aspect only. We might expect that if one kind of behaviour only is mentioned, this would be the one aspect which caused the judgment to be made one way or another.

Considerations such as the above are likely to apply to any kind of verbal report and they may be responsible for some of the differences between the various staff members making the judgments; similar considerations may be expected to apply also to the interpreters of the judgments. If an extended study of these reports were to be made it ought to be possible to include the differences between the various observers' ratings (i.e. deviations about the offenders' mean grade) as a factor of the offender's personality—possibly related to his mental stability or personality type—to be used as an additional factor in relation to reconviction or any other criterion. It should also be possible to identify the particular reasons given for the adverse reports. We noticed, for example, that some prisoners were given bad reports because they continued to deceive themselves (frequently one read also of the prisoner beginning to adopt a more realistic attitude about himself), others because of their attempts to deceive the staff (partially successful deceptions can be shown by the contradictions between the different officers' reports on trustworthiness and successful ones by discrepancy between the staff reports and the offenders' later conduct). A poor report was often given because there were adverse influences in the offender's environment which the staff considered him unlikely to be able to resist.

In order to make the fullest possible use of the experience gained by the staff in dealing with these men it would be necessary to study these predictions in detail and relate them to a similarly detailed study of the circumstances of the offender after leaving prison. Among other things, this would have to include information on whether the wife, girl friend or other person whom the prisoner hoped would help him on release actually did so or not. It would also be necessary to ascertain whether the prisoner was let down (as they so often claim) in other ways, e.g. by employers or workmates and indeed whether any external factors made any difference to the prisoner's rehabilitation or not. Such a study could only be carried out adequately if there was a very close follow-up and liaison with the prisoner after release, such as there is with probation cases, or during the licence period. It would have to be applied to all cases whether successful or not. At present we have only the staff reports often based on the rather dubious statements of prisoners about the difficulties they had to face after release from previous sentence and their hopes for the future *after they have failed and been returned to prison*, without any comparable information for the successes. Nevertheless we have made a more limited study, in which we have (1) compared offenders convicted of fraud with other

types of offender, (2) compared the characteristics of the offenders about whom there is most disagreement among the staff ratings, with the remainder and (3) attempted to show if there were any special characteristics in the group of offenders about whom the staff predictions (despite being in agreement) were nevertheless not borne out by the reconviction results. These included two sub-groups; those prisoners whom the staff thought had a greater than average likelihood of remaining crime free but who were reconvicted within four years and those whom the staff thought likely to be reconvicted but who were not. The results are shown at the end of Chapter 21.

Summary

The importance of being able to make use of the staff prisoner relations in throwing light on the causes of crime is emphasised and the first problem is to check how reliably the statements can be graded on suitable scales.

After a preliminary pilot study we devised a set of criteria for grading the three statements about the prisoner's behaviour and the five forecasts of his future behaviour, as entered on form 1140.

The two of us graded all the statements for a sample of 165 offenders who had appeared before the Board during the period 1952-57 who had been placed on third stage and for offenders released from second stage during the period October 1954 to September 1955. The period covered was different for the two groups in order to obtain sufficient numbers of releases from third stage, and the results have been adjusted to allow for this. In addition a third set was produced by other members of the Research Unit.

We repeated our assessments after an interval without knowing our first results and we had complete agreement on the five-point scale in 52% to 96% of the various statements. Only 2% and 3% respectively of our assessments showed differences of more than one grade. Having satisfied ourselves that we could reproduce our results reasonably accurately we were then able to compare our three sets of gradings with each other. The results of the analysis of the agreement between the three interpreters are shown in Appendix 4. The main problem studied was how to allow for differences in general standards used.

The results show that although certain statements were easier to grade than others, the agreement differed somewhat according to the method of standardisation used and the correlations ranged from .71 to .94. Complete agreement on the allocation of the five grades by all three interpreters averaged 40% for all statements and two of the three agreed completely in a further 52% leaving only 8% where there was any real difficulty in allocating a grade. Two causes for the differences were (a) differences in the general standards (b) differences in the extent to which the interpreters used the extreme grades or confined themselves to middle grades.

We felt that our consistency was sufficient to indicate that this kind of material could be used satisfactorily for research purposes and accordingly we proceeded with the analysis of the material interpreted in this way.

The results of analysing the agreement between the staff comments and the relations between these and the Board's selection and the offender's subsequent criminal record are described briefly.

We have also discussed some of the advantages and disadvantages of free comments compared with pre-coded categories and have outlined some further research problems in this area.

CHAPTER 16

OTHER FACTORS ON WHICH THE BOARD'S ALLOCATION TO THIRD STAGE IS BASED

THERE are three kinds of information at the disposal of the Board. Firstly, the criminal history, most or all of which would be available to the court when it passed sentence originally. Secondly, social information concerning the offender's background, which may have affected his past career and which is likely to influence his chances of rehabilitation. (A small part of this information may have been available to the courts but unless a special report was asked for in particular cases, most of the information is not likely to have been available.) Thirdly, information which has come to light during the current sentence. This concerns the offender's intelligence, personality, physique, and fitness for different kinds of work and, in addition, it covers the prisoner's response to the training and discipline he has already received.

The proportion of offenders with different characteristics recorded on form 1140 who were allocated to third stage is shown in Table 50. (The figures again represent estimates for all releases based on the sample, adjusted as described on page 127.)

We ought to point out that we ourselves have derived many of the items analysed in the following tables from the assistant governor's free comments about the prisoners. They therefore involve a certain amount of judgment on our part, e.g. in deciding in which of the three grades of physical disability to place the prisoner and whether a comment justified a positive recording of the presence of a particular category, such as home "respectable", or not.

TABLE 50
*Percentage of offenders with different characteristics
allocated to third stage*

									Number in group	Percentage allocated to 3rd Stage
A. Criminal characteristics										
Current offence										
Fraud	..	..	..	..	..	..	..	24	21	
Larceny	..	..	..	..	..	..	..	26	14	
Breaking	..	..	..	..	..	..	..	82	17	
Other ..	..	..	..	..	..	..	..	8	21	
Mixed offences	..	..	..	..	..	..	..	5	15	
Predominant offences										
Fraud	..	..	..	..	..	..	..	13	38	
Larceny	..	..	..	..	..	..	..	51	16	
Breaking	..	..	..	..	..	..	..	64	17	
Other or mixed offences	..	..	..	..	..	..	..	17	10	
Number of court appearances										
Under 10	..	..	..	..	..	..	..	31	33	
10-19 ..	..	..	..	..	..	..	..	90	19	
20-29 ..	..	..	..	..	..	..	..	17	3	
30 or more	..	..	..	..	..	..	..	7	0	

TABLE 50—*contd.*

A. <i>Criminal Characteristics—contd.</i>									<i>Number in group</i>	<i>Percentage allocated to 3rd Stage</i>
Time at liberty before current offence										
Under 3 months	..	..	..	..	..	..	..	..	23	15
3 months to less than 6 months	..	..	..	..	..	..	..	..	27	14
6 months to less than 1 year	..	..	..	..	..	..	..	..	30	29
1 year to less than 2 years	..	..	..	..	..	..	..	..	41	13
2 years or over	..	..	..	..	..	..	..	..	24	19
Number of current convictions										
1 only	..	..	..	..	..	..	..	..	74	13
2	..	..	..	..	..	..	..	..	44	24
3	..	..	..	..	..	..	..	..	17	19
4 or more	..	..	..	..	..	..	..	..	10	15
Age at current conviction										
30-39	..	..	..	..	..	..	..	..	66	25
40-49	..	..	..	..	..	..	..	..	40	18
50-59	..	..	..	..	..	..	..	..	25	6
60 or over	..	..	..	..	..	..	..	..	14	7
Under 21 at first conviction										
21 or over at first conviction	..	..	..	..	..	..	..	..	92	17
	..	..	..	..	..	..	..	..	53	17
Previous sentence of probation										
	..	..	..	..	..	..	..	..	30	39

SOCIAL CHARACTERISTICS

B. *Home background*

Adverse early (home) background	..	..	..	..	..	..	..	..	49	20
None known	..	..	..	..	..	..	..	..	96	11
Adverse school history	..	..	..	..	..	..	..	..	8	17
None known	..	..	..	..	..	..	..	..	137	21
Homeless or with unsatisfactory marriage relationships	..	..	..	..	..	..	..	..	118	13
Neither	..	..	..	..	..	..	..	..	27	43
Rejected by family	..	..	..	..	..	..	..	..	44	12
Not rejected by family	..	..	..	..	..	..	..	..	101	19
Bad companions	..	..	..	..	..	..	..	..	48	17
None known	..	..	..	..	..	..	..	..	97	17
Drink addiction	..	..	..	..	..	..	..	..	36	15
None recorded	..	..	..	..	..	..	..	..	109	18

C. *Physique and health*

No disability (fit for any work)	..	..	..	..	..	..	..	..	91	19
Slight or partial disability	..	..	..	..	..	..	..	..	43	12
Severe or complete	..	..	..	..	..	..	..	..	11	17
Physical type										
Slight	..	..	..	..	..	..	..	..	58	15
Average	..	..	..	..	..	..	..	..	48	17
Muscular	..	..	..	..	..	..	..	..	30	19
Fat	..	..	..	..	..	..	..	..	9	25
Health										
Good	..	..	..	..	..	..	..	..	112	21
Adverse	..	..	..	..	..	..	..	..	33	8

TABLE 50—*contd.*

D. <i>Mental</i>								<i>Number in group</i>	<i>Percentage allocated to 3rd Stage</i>
Personality type									
Inadequate	..	..	..	..	..	..	..	16	65
Introvert	..	..	..	..	..	..	..	33	7
Extrovert	..	..	..	..	..	..	..	49	6
Normal	..	..	..	..	..	..	..	14	78
Psychopathic	..	..	..	..	..	..	..	21	35
Other	..	..	..	..	..	..	..	12	15
Some personality problems									
None specified	..	..	..	..	..	..	..	57	13
	..	..	..	..	..	..	..	88	19
Mental instability									
None specified	..	..	..	..	..	..	..	29	15
	..	..	..	..	..	..	..	116	18
Emotional immaturity									
None specified	..	..	..	..	..	..	..	46	31
	..	..	..	..	..	..	..	99	12
Subnormal intelligence									
Normal intelligence	..	..	..	..	..	..	..	23	17
	..	..	..	..	..	..	..	122	17
E. <i>Employment</i>									
Work promised									
None promised (4 not known)	..	..	..	..	..	..	..	31	40
	..	..	..	..	..	..	..	110	13
Proposed job within capacity									
Not within capacity	..	..	..	..	..	..	..	92	22
Not known or does not apply	..	..	..	..	..	..	..	9	3
	..	..	..	..	..	..	..	44	12
Employability rated "good"									
"Not good"	..	..	..	..	..	..	..	85	30
	..	..	..	..	..	..	..	60	6
Some vocational training									
No vocational training	..	..	..	..	..	..	..	23	56
	..	..	..	..	..	..	..	122	13
Skilled trade									
Semi-skilled trade	..	..	..	..	..	..	..	29	20
Unskilled only	..	..	..	..	..	..	..	25	30
	..	..	..	..	..	..	..	90	13

The greater the number of previous appearances at court the smaller the proportion put on stage. This applies particularly if the offender has been convicted more than 20 times, since only 3% of this group was placed on stage. A high proportion of fraud or false pretence offenders were placed on stage (this may be because such offenders are usually more intelligent and have better social circumstances and job prospects on release). Apart from this group, the type of current offence or the most prominent offence in the offender's history has little effect on the allocation. The time at liberty before the current offence or the number of current offences also appear to have little effect on allocation. Offenders who have previously been on probation are allocated to third stage more often than the remainder—again probably because their social circumstances and employment prospects are better.

Third stage is comparatively rarely given to offenders aged 50 or over, or to those who are physically unfit, without promise of work to go to, or with little skill and no vocational training. It is also rarely given to those who have come from unsatisfactory homes or who have lost contact with relatives. The board also takes account of the staff reports of behaviour whilst in prison; offenders who were given bad reports from the prison staff concerning their behaviour whilst in prison (whether on account of disciplinary infringements or for having a poor attitude to the staff) are rarely allocated to third stage. Indeed, no offender graded E on his attitude to the staff was so allocated. Staff report on the prisoner's social attitudes and their predictions of the offender's future prospects of reconviction are also followed very closely by the Board, as we have seen. As the results stand, one can only presume that the board does not take any account of the medical officer's descriptions of personality types since the term "normal" was applied to very few prisoners, nearly all of whom were selected for third stage (more than in any other sub-group—so this must indeed be high praise). The "weak and inadequate" characters or the "psychopaths" also included a *higher* than average proportion allocated to third stage whilst those labelled "introvert" or "extrovert" were rarely selected. The medical officers' classification is based only on a short interview during their examinations and no tests are used: since the results show little relation to reconviction (Table 52), they could probably be dispensed with as they do not appear to serve any useful purpose.

We have also related the allocation to third stage to the scores in the different fields of behaviour described under the study of reconviction page 153, the resulting correlations were as follows:—

Biserial correlation between third stage and the offender's characteristics

Criminal history prior to current offence	..	..	-.073
Infringements of discipline whilst in prison	..	..	+.080
Offenders' home background	..	..	+.473
Offenders' employability and employment record	..	..	+.637
Offenders' mental characteristics	..	..	+.014
Combined staff prognosis of reconviction	..	..	+.667

The Board's decision is closely correlated with the combined staff prognosis and the offender's home circumstances and work record. It is also highly correlated with the staff reports on the prisoner's behaviour in prison $r = .600$, his efforts at rehabilitation $r = .642$ and, to a somewhat less extent, his attitude towards the staff $r = .438$ (from the unpublished analyses) but it shows a negligible relation to the offender's previous criminal history, his mental characteristic and also, rather surprisingly, his actual record of prison offences.

The Board certainly appears to take more account of the staff statements than of the more objective factors of the record. The correlation of .405 between prison offences and the staff reports of the prisoner's attitudes would alone be sufficient to provide a correlation of .177 between the prison offences and third stage. The net relation between prison offences and third stage when the relationship between prison offences and the staff reports on prisoners' attitudes is allowed for is actually *negative*. (The partial correlation, holding staff reports constant was $-.118$.) It is as though the Board were to argue that the staff reports were too much conditioned by the offences a man commits

whilst in prison and that, if there were such offences, they should be discounted and the staff's adverse reports on behaviour should be taken *less* seriously than they would be if there were no record of prison offences. This appears to be justified from the analysis of the subsequent histories of the prisoners (Chapter 12). On the whole the Board's decision thus appears to be determined by the factors one would expect.

Analysis of the "Adverse" factors listed in Form 1140

The prison staff were asked to say whether the prisoner had shown any of the 12 items which were thought to constitute adverse signs, and which were listed under the heading "Summary of Adverse Factors" on the last page of Form 1140.

1. Adverse early home background
2. Bad school history
3. Bad work record
4. Forces failure
5. Bad companions
6. Under 21 on first conviction
7. Crimes of stealing predominating
8. Drink addiction
9. Homeless or with unsatisfactory marital relationships
10. Rejected by family
11. Subnormal intelligence
12. Mental instability.

In items 1, 2, 5, 6 and 11 above there was no difference in the proportions allocated to third stage, according to whether these factors were present or not. For items 4, 7 and 9 a slightly smaller proportion of offenders showing the condition were allocated and for items 3 and 10 a significantly lower proportion were allocated. We have compared the total number of factors with the proportion allocated to third stage and this was as follows:—

TABLE 51

<i>Number of adverse factors</i>	<i>Number in group</i>	<i>Percentage allocated to third stage</i>
0 or 1	3	67%
2	20	55%
3	21	67%
4	31	45%
5	32	41%
6	21	24%
7	14	29%
8	3	(0%)

Clearly the Board's allocation is related to the total number of "adverse factors". Whether this is because the Board explicitly takes account of these factors collectively (although no total score is shown on the record form) or whether it happens that the type of offender whom the Board allocates to third stage is one who does not show the factors listed, it is not possible to say from

the figures. The impression given at the Board's interviews which one of us attended was that, in general, the members appeared rather sceptical of these records.

Since the offenders who were placed on third stage tended to be drawn from the better homes and had rather better work histories and presumably also better prospects of adjustment, we would expect those allocated to third stage to have a somewhat better subsequent record than those who remained in second stage. The reconviction figures for the two groups are discussed later.

Summary

The report used by the Board contains various criminal and social items in the offender's background and also his response to the sentence. We have analysed these in relation to the Board's decision and the details are shown in Table 50.

The Board appeared to take note of the offender's previous criminal history, fraud offenders, offenders aged 30-39 or who had been on probation and those with fewest previous convictions were most often put on third stage. The time at liberty and number of current convictions, however, made no difference. Very few offenders aged 50 or over and somewhat fewer larceny offenders than the average were allocated. The staff reports on the prisoner's behaviour and future prospects were also followed closely, but only certain aspects of the offender's home background, e.g. no permanent homes and unsatisfactory marital arrangements were rarely allocated. The offender's physical or mental characteristics as recorded appeared to have no effect on the Board's decision.

The Board tended to allocate the offenders with the best work prospects (those with jobs to go to, with realistic estimates of their own capacity, with a skilled or semi-skilled trade or with any vocational training).

There was an interesting interaction between the Board and staff reports of prison behaviour, this suggested that the Board tended to discount adverse reports on prison behaviour if the offender had also committed offences whilst in prison, presumably on the ground that the staff were unduly influenced by this behaviour which the Board considered irrelevant.

The Board's allocation was also related closely to the total number of adverse factors reported; over 60% of offenders with three or less adverse factors, 43% of those with four or five factors and only 25% of those with six or more were allocated. It is doubtful if this relationship is explicit since no total is given and about half the factors showed no difference and only "bad work record" and "rejected by family" showed individually significant differences.

There is a very close correlation between the Board's allocation and most of the information given them by the prison, yet despite this and the Board's agreement with the staff prognoses, the selection was not successful in distinguishing those who were later reconvicted. We are therefore left with the problem of deciding whether the information given is not relevant or whether it is not being used in the best way.

CHAPTER 17

ANALYSIS OF SOCIAL ITEMS IN RELATION TO RECONVICTION

IN addition to the staff predictions of reconviction, the records contain information concerning the offender's history which can be related to reconviction. Each item recorded on form 1140 for use by the Advisory Board has therefore been analysed in relation to reconviction in the same way that they were analysed according to whether the offender was allocated to third stage or not.

The results are shown in Table 52. This shows the percentage of offenders possessing the particular characteristics who were reconvicted (during four years interval).

TABLE 52
Factors related to reconviction.

A. Criminal history										Number in group	Percentage reconvicted
Age at current conviction											
30-39	..	..	..	..	..	..	..	..	..	66	78.8
40-49	..	..	..	..	..	..	..	..	..	40	70.0
50-59	..	..	..	..	..	..	..	..	..	25	88.0
60+	..	..	..	..	..	..	..	..	..	14	42.9
Age at first conviction											
Under 21	..	..	..	..	..	..	..	..	..	92	76.1
21 or over	..	..	..	..	..	..	..	..	..	53	71.7
Total number of appearances											
Under 10	..	..	..	..	..	..	..	..	..	31	67.7
10-19	..	..	..	..	..	..	..	..	..	90	75.6
20 and over	..	..	..	..	..	..	..	..	..	24	79.2
Number of current charges											
1	..	..	..	..	..	..	..	..	..	74	77.0
2	..	..	..	..	..	..	..	..	..	44	63.6
3	..	..	..	..	..	..	..	..	..	17	88.2
4 or more	..	..	..	..	..	..	..	..	..	10	80.0
Current Offence											
Fraud or false pretences*	..	..	..	..	..	..	..	..	..	24	66.7
Larceny (including receiving)	..	..	..	..	..	..	..	..	..	29	75.9
Breaking and entering	..	..	..	..	..	..	..	..	..	82	79.3
Sexual offences, violence against the person and other offences	..	..	..	..	..	..	..	..	..	55	60.0
Mixed offences	..	..	..	..	..	..	..	..	..	5	40.0
Predominant type of offence											
Fraud or false pretences	..	..	..	..	..	..	..	..	..	13	61.5
Larceny	..	..	..	..	..	..	..	..	..	51	64.7
Breaking and entering	..	..	..	..	..	..	..	..	..	64	84.4
Mixed or other offences	..	..	..	..	..	..	..	..	..	17	76.5
Interval at liberty before current offence											
Under 3 months	..	..	..	..	..	..	..	..	..	23	78.2
3 to under 6 months	..	..	..	..	..	..	..	..	..	27	74.1
6 to under 12 months	..	..	..	..	..	..	..	..	..	30	83.3
1 year to under 2 years	..	..	..	..	..	..	..	..	..	41	73.2
2 years and over	..	..	..	..	..	..	..	..	..	24	62.5

* Including fraud plus other offences.

TABLE 52—*contd.*

	A. <i>Criminal history—contd.</i>							<i>Number in group</i>	<i>Percentage reconvicted</i>
Forces record									
Satisfactory	..	..	..	..	..	..	..	80	68.8
Unsatisfactory	..	..	..	..	..	..	..	65	81.5
Bad companions	..	..	..	..	..	..	..	48	84.4
None known	..	..	..	..	..	..	..	97	70.6
Borstal or approved school training	..	..	..	..	..	..	..	28	64.3
Borstal and approved school training	..	..	..	..	..	..	..	15	86.7
Probation without approved school training	..	..	..	..	..	..	..	30	80.0
Imprisonment only	..	..	..	..	..	..	..	51	70.6
<i>B. Home background</i>									
No fixed abode	..	..	..	..	..	..	..	96	74.0
Home respectable	..	..	..	..	..	..	..	34	76.5
Home respectability not known	..	..	..	..	..	..	..	12	75.0
Not respectable	..	..	..	..	..	..	..	3	66.7
Satisfactory home	..	..	..	..	..	..	..	44	79.5
Unsatisfactory marital relationships	..	..	..	..	..	..	..	101	72.3
Rejected by family	..	..	..	..	..	..	..	44	70.5
Not rejected	..	..	..	..	..	..	..	101	76.2
<i>C. Physique and Health</i>									
No disability (fit for any work)	..	..	..	..	..	..	..	91	81.3
Slight or partial disability	..	..	..	..	..	..	..	31	69.8
Severe or complete disability	..	..	..	..	..	..	..	11	36.4
Physical type									
Slight	..	..	..	..	..	..	..	58	72.4
Average	..	..	..	..	..	..	..	48	77.1
Muscular	..	..	..	..	..	..	..	30	80.0
Fat	..	..	..	..	..	..	..	9	55.6
<i>D. Mental</i>									
Inadequate (weak) personality	..	..	..	..	..	..	..	16	62.5
Introvert personality	..	..	..	..	..	..	..	33	72.7
Extrovert personality	..	..	..	..	..	..	..	49	73.5
Normal personality	..	..	..	..	..	..	..	14	78.6
Psychopathic personality	..	..	..	..	..	..	..	21	81.0
Other abnormality	..	..	..	..	..	..	..	12	83.3
Mental handicap to rehabilitation	..	..	..	..	..	..	..	39	76.9
No mental handicap to rehabilitation	..	..	..	..	..	..	..	106	73.6
Some personality problems	..	..	..	..	..	..	..	49	73.5
No personality problems	..	..	..	..	..	..	..	96	75.0
Mental instability	..	..	..	..	..	..	..	10	70.0
No mental instability	..	..	..	..	..	..	..	116	74.8
Emotional immaturity	..	..	..	..	..	..	..	46	87.0
No emotional immaturity	..	..	..	..	..	..	..	99	68.7
Subnormal intelligence	..	..	..	..	..	..	..	23	82.6
Normal intelligence	..	..	..	..	..	..	..	122	73.0

TABLE 52—*contd.*

	E. <i>Employment</i>					<i>Number in group</i>	<i>Percentage reconvicted</i>
Employment promised on release	..	..	..	..	..	31	71.0
No employment promised on release	..	..	..	..	..	110	77.3
(4 not known)							
Prisoner's trade skilled or semi-skilled	..	..	..	..	..	55	69.1
Prisoner's trade unskilled	..	..	..	..	..	90	77.8
Some vocational training	..	..	..	..	..	23	73.9
No vocational training	..	..	..	..	..	122	74.6
Ordinary work record	..	..	..	..	..	94	72.3
Bad work record	..	..	..	..	..	51	78.4
Employability rated "good"	..	..	..	..	..	85	78.8
Employability rated "not good"	..	..	..	..	..	60	68.3
Proposed employment within capacity	..	..	..	..	..	92	79.3
Proposed employment not within capacity	..	..	..	..	..	9	66.7
No information or does not apply	..	..	..	..	..	44	65.9

Comparatively few of the signs recorded showed any different relation to reconviction compared with that of the general average of 75%, and such differences as occurred tended to be in small groups and, therefore, they should be accepted with caution.

When the offender reaches age 60 before committing the offence for which he is sentenced to preventive detention he is apparently less likely to be reconvicted than at any other age. This may be because the offender is too old to lead an active life of crime any longer. An alternative possibility—for which we have no evidence however, is that the older offenders are out of risk of reconviction through being confined to hospital or even, through having died without the knowledge having reached Scotland Yard (when an offender is known to have died we have excluded him from the analysis).^{*} Whatever the reason for the low reconviction figure for this age group may be, this could account for some of the rather unexpected results in other respects. For example, the low reconviction rate for those offenders who are severely or partially disabled or whose employability is reported as "not good" and for offenders who have lost touch with their families could be largely because these are characteristics of the older offenders. Apart from the characteristics associated with age, very few other items showed reconviction rates below 70%. In the criminal history, offenders with fewer than ten previous convictions or with two years or more since their last offence, larceny offenders and offenders convicted of fraud or false pretences at the time of sentence to preventive detention or offenders with a history of fraud had a better prognosis than that of the average offender, but none of these differences quite reached the 5% significance level, on account of the small numbers involved. The group currently charged with two offences also had even fewer reconvictions than those with one offence but this can only be presumed to be a chance effect, since there is a general tendency for reconviction to increase slightly according to the

^{*} We were later able to check with the General Register Office and we found that two preventive detainees had died within the follow-up period.

number of current offences committed. It is interesting to note that the very few sex or violence offenders had a low reconviction rate, as this is a characteristic which applied in the general sample of liable offenders followed up and it is a feature which is also shown consistently among other groups of offenders. Despite this, such offenders are usually treated as though they were the greatest danger to the public (see impressions of the Advisory Board procedure, Chapter 22, and also the long prison sentences given to sex offenders, Fig. 13 Chapter 9). Among the personality factors there were few differences from the average reconviction rate. Offenders who were not reported as being emotionally immature had a lower than average rate but, rather surprisingly, so also had the offenders classified as having "weak or inadequate personalities" (despite this the latter group was also treated rather severely by the Board at the meetings one of us attended). Skilled or semi-skilled workers had better records than unskilled workers, as also had those for whom work was promised. There were rather conflicting results according to whether the job aspirations were within the offenders capacity or not and offenders with poor job prospects also had a low reconviction rate (this is partly on account of the age factor already considered). The information on employability appears to be rather sketchy and it is doubtful whether any great reliance can be placed on this aspect of the records.

Groups with a higher than average proportion reconvicted were, offenders aged 50-59 (88%), groups with emotional immaturity (87%), with three or more current convictions (85%), offenders convicted of breaking and entering offences (84%) and offenders with companions with prison records (84%).

Analysis of "Adverse Factors" in relation to reconviction

The signs listed under the heading "Summary of Adverse Factors" on the last page of form 1140 were related to reconviction as follows: Items 3-6 and 11 were associated with a slight excess of reconvictions (though these are not individually significant). The remainder (apart from drink addiction which had no relation to reconviction) had a *negative* relation to reconviction; that is, in this group there were somewhat *fewer* reconvictions among offenders showing the supposedly adverse characteristics. The specially low proportion of reconvictions among the offenders who were aged 60 or over who showed many of the above social factors has been advanced as one reason for the absence of correlation between some of the items and reconviction. Unreliability in recording the items could also be a reason for the absence of correlation. (Item 7, stealing predominating, was found to be the least reliable item on which we were able to make a check. See Appendix 3.)

The reconvictions according to the total number of signs (1-12) shown by the offender are set out in the following table. Because the numbers are small we have combined the totals into four roughly equal groups according to the following score ranges:—

Number of "adverse factors" and reconviction

<i>No. of factors</i>	<i>No. in group</i>	<i>Percentage reconvicted</i>
0-3	44	73%
4	31	77%
5	32	69%
6 and over	38	79%

Even when the items are combined in this way, the result is to produce a score which has negligible value in predicting reconviction. The staff would therefore be misled if they were to base their comments concerning the offender's chance of reconviction on such factors. In so far as the Advisory Board selects those offenders for third stage whom it considers least likely to be convicted in future it also would be misled if it were to make use of these factors—or indeed of most of the factors listed on form 1140 without further guidance on their reliability and relation to reconviction.

Summary

In order to throw some light on the failure of the staff and the Board to predict which offenders will be reconvicted, we have analysed each item on form 1140 to see which of them differentiate between the group of prisoners subsequently reconvicted and those not reconvicted.

The full results are shown in Table 52.

Very few of the items on form 1140 were related to reconviction. If the offender had fewer than ten previous convictions, was convicted of larceny or fraud, or if he had a skilled or semi-skilled occupation, he was less likely to be reconvicted. Those with poor job histories and prospects tended to be reconvicted more often, but few of the mental categories or home background conditions showed any difference from the average reconviction rates. Offenders over 60 were apparently reconvicted less often than the remainder, but this was probably because such offenders were too feeble to engage in active crime. This also meant that some of the adverse conditions which were associated with age apparently had a good prognosis.

Groups with greater than average reconviction rate were offenders aged 50, offenders recorded as "emotionally immature", offenders with three or more current convictions or convicted of breaking and entering offences.

The total number of adverse factors as listed in the form showed no relation to reconviction and it is doubtful whether, in its present form, the information supplied to the Board can be much help in selecting the offenders least likely to be reconvicted.

We shall next compare the social information provided by the Prisons with the results of Professor Norval Morris's analysis of preventive detainees prior to the 1948 Act.

CHAPTER 18

COMPARISON OF THE SOCIAL CONDITIONS OF MORRIS'S CONFIRMED RECIDIVISTS AND PREVENTIVE DETAINEES BEFORE THE 1948 ACT WITH PREVENTIVE DETAINEES AFTER THE ACT

In Chapter 10 we compared the criminal histories of our main sample of liable offenders differentiated according to whether or not they were sentenced to preventive detention with Professor Norval Morris's habitual offenders. Despite the time difference between the two studies the two groups showed very similar criminal characteristics. One difference we were able to show was that Norval Morris's preventive detainees formed a smaller proportion of the "qualificants" (as he termed the offenders who could have been sentenced for the current offence had a jury said that they were "habitual offenders") than our preventive detainees did of those liable, 5% compared with 13%. Partly because of this, the earlier preventive detainee tended to be somewhat older and more criminally sophisticated than the current ones, whereas the qualificants were very comparable in the two groups (apart from excluding offenders with under six qualifying offences).

Our social information is rather less complete than Norval Morris's; nevertheless it offers some interesting comparisons and we have again drawn from R. S. Taylor's study of the first 100 preventive detainees who passed through the Wandsworth allocation centre in 1956 (R. S. Taylor "The Habitual Criminal" B. J. Criminology, Vol. 1) and from his unpublished results. Taylor's offenders would include a few of our main sample of preventive detainees who were sentenced early in 1956, but most of his group would be sentenced during 1955.* We have no comparable information for liable offenders who were not sentenced to preventive detention. When social data are compared it is not always possible to select comparable categories and this is particularly true of the information produced for the Advisory Board because this was mostly already in a classified form. We have therefore made partial comparisons in some cases where only a few of the categories could be compared and we have noted possible sources of difference in classification in others.

* The first stage of a sentence of preventive detention is served in a local prison under conditions of ordinary imprisonment and usually lasts about one year although in some cases it may be as short as nine months or as long as two years. From Stage I prisoners are removed to an allocation centre where they are examined and allocated to one of the four prisons set aside for preventive detention. This examination provided the material which Taylor analysed.

The chief social characteristics of Morris's groups, Taylor's results and our own where applicable were as follows:—

TABLE 53

Social characteristics of preventive detainees in 1948 and 1956

	1946-48 offenders				1956 1st stage offenders	1952-57 releases from preventive detention
	Norval Morris				R. S. Taylor	Present study
	Preventive detainees		Confirmed Recidivists		Preventive detainees	Preventive detainees
	No.	%	No.	%	(No. = 100)	No. %
Nature of employment						
Skilled	3	9	46	17	6	29 20
Semi-skilled	7	22	96	36	28	25 17
Unskilled	22	69	128	47	65	90 63
Total	32	100	270	100	100	144 100
Longest time in one job						
None (never employed)	6	19	10	14	4*	—
Under 3 months	16	50	120	45	9	—
3-6 months	6	19	33	12	20	—
7 months to 1 year	2	6	27	10	15	—
Over 1 year	2	6	80	30	52	—
Total	32	100	270	100	100	—
Employment history						
Unemployed odd jobs or working for self ..	30	94	195	72	64	104 72
Regular employment	2†	6	75	28	33†	41 28†
Marital status						
Bachelor	17	53	88	33	41	44 28
Divorced or widowed	3	9	41	16	21	42 26
(separated legally)	5	16	25	9	4	5 3
Married (but not living together)	7	22	57	21	21	41 26
(living together)	0	0	59	22	13	27 17
Total	32	100	270	100	100	159 100
Percentage of marriages still intact ..	0		53		22	24
Home conditions						
No abode (hostels or "rough")	32	100	131	48	28	73 50
Over 3 months in lodgings, flats, etc. ..	—	—	21	8	40§	72 50
In homes (with parents or relatives) ..	—	—	21	8	13	
(with wife or de facto wife)	—	—	50	33	16	
Other	—	—	7	3	3	—
Total	32	100	270	100	100	145 100
Upbringing and early environment						
Both parents	—	—	73	37	60	—
Mother only	—	—	21	11	8	—
Father only	—	—	18	9	5	—
Mother and stepfather	—	—	22	11	6	—
Father and stepmother	—	—	11	6	4	—
Grandparents	—	—	5	3	4	—
Other relative	—	—	14	7	4	—
Adopted or with foster parents	—	—	10	5	2	—
Orphanage or institution	—	—	22	11	7	—
Total	—	—	196||	100	100	—

* Details of employment not known.

† These men were regular workers only until they became recidivists.

‡ At time of their arrest.

§ Living in lodgings, rooms, etc., at time of arrest.

|| 74 were not recorded.

TABLE 53—*contd.*

	1946-48 offenders				1956 1st stage offenders		1952-57 releases from preventive detention	
	Norval Morris				R. S. Taylor		Preventive detainees	
	Preventive detainees		Confirmed recidivists		Preventive detainees		Preventive detainees	
Prison behaviour	No.	%	No.	%	No.	%	No.	%
	<i>Morris</i>		<i>Taylor</i>					
Bad	(many offences)		(more than 10 offences)		5	16	47	17
Indifferent	(a few offences)		(4-7 offences)		13	(15)	4	3
Good	(1 or 2 offences)		(Up to 3 offences)		8	25	36	13
Very good	(no offences)		(no offences)		16	(18)	28	19
					10	31	77	29
					24	(17)	59	41
					9	28	110	41
					35	(40)	54	37
					32	100	270	100
					88*	—	145	100

* 12 not classified.

Morris's figures show a very poor work history for both groups, since 87% and 60% of preventive detainees and confirmed recidivists respectively had held jobs for a maximum of six months. Again the preventive detainees had the worse record. Taylor's figures for length of employment suggest a different basis of classification. The answer would seem to lie in his comment that the 52 offenders who had been in one job for over a year generally held that position immediately on leaving school and he says that "After conviction it was rare for any man to hold a job for very long" [loc cit, 67]. Possibly Morris's offenders were not followed as far back, or they could have been less fortunate in their first jobs. Although about one-third were said to have been taught a skilled or "semi-skilled" occupation (only 16% of our sample are reported to have had any special job training) Morris's preventive detainees and confirmed recidivists were mostly out of work, doing odd jobs or else were euphemistically or perhaps realistically described as "working for themselves" at the time of their arrest. The nature of the employment in the current group agreed closely with Morris's and Taylor's preventive detainees in respect of unskilled work and again with our main 1956 sample of preventive detainees (not shown), the estimates ranging from 58% to 69%. However the distinction drawn between semi-skilled and skilled work differs in our present group from the remainder. Quite probably the assessor's standards are responsible as much as any real difference in the groups. Morris's figure for those in "regular" employment applied to the position at the time of arrest whereas Taylor's and our own figures (which agree closely) apply retrospectively. The situation at the time of arrest would undoubtedly have been much worse than the one we have recorded.

The consensus of information regarding the work histories makes it clear that the preventive detainees, in particular, had extremely poor records. This unsatisfactory state may have been partly responsible for the offender's criminal activity and certainly it could account for many of the poor living conditions and even destitution, which many had experienced. Practically all the earlier preventive detainees and nearly half the present group and the confirmed

recidivists were "living rough" or in and out of cheap lodgings or hostels. These conditions are also consistent with the frequent inability to get on satisfactorily with the marriage partners, for none of the 15 married preventive detainees in Morris's group were still living with their wives, and about one-third of the marriages of his persistent recidivists and less than one-quarter of those of Taylor's and our own preventive detainees were still intact. These unsatisfactory relationships only reproduced the type of background which the offenders had themselves experienced as children. Only 37% of the persistent recidivists had been brought up in a home in which both parents were present throughout their childhood (quite apart from whether they were living harmoniously together or not). All the alternative living arrangements to the normal family upbringing were not necessarily bad, of course, and a step-parent or foster parent may have been a better influence than the actual parent. Nevertheless, the high proportion of unusual relationships is worth noting. Taylor also found 40% of his preventive detainees had been brought up in such broken homes and nearly one-quarter of his complete homes had adverse conditions such as invalidism and "heavy drinking" by one or both parents. Twenty per cent of the present group were reported as having an "unsatisfactory early home background" but this refers only to the known cases and it is almost certainly an under estimate. An even higher proportion of Taylor's preventive detainees than of Morris's confirmed recidivists had been brought up in an institution: 25% compared with 11%. Table 54 shows that it is rare for a preventive detainee in the current sample to be without any of the four adverse factors listed under employment record or the five for home background and 85% showed two or more adverse factors in their employment records and 71% in their current or past living arrangements.

Compared with this dismal picture of the persistent offender's inability to adjust himself to life outside prison either in terms of earning a livelihood, establishing satisfactory and stable personal relationships or providing even the necessary minimum standards for decent living, his conduct in prison during his previous sentences is rather striking. Only 16% of the groups (under 5% of the present group) were recorded as having a bad prison record. These were the trouble makers or unco-operative prisoners who had been reported for many breaches. Moreover, some 28% to 41% had no recorded offences whilst they were in prison despite the very long periods spent in custody. A further 27% to 41% had committed occasional offences mostly of a minor kind. About two-thirds were described as "good" prisoners. The low demands on initiative and responsibility represented by prison life appear to be as much as these men can cope with.

It was rather surprising to find that Taylor's results showed the preventive detainees to be of average intelligence and he says (page 17) "the range of abilities was higher than average and there was good potential in the group". Our own group contained about 15% recorded as of "subnormal" intelligence.

Morris reports that a third of his groups had received some job training after leaving school. About 50% of the 1956 group had committed their first offence before age 17 and a further 25% before 21. At that time the school leaving age was 14 and about a quarter of the group had committed their first offence within three years of leaving school. The comparable figures for the present group are 25% before 14, 20% between 14 and 17, 21% between

17 and 21. Taylor nevertheless found that the longest job held by most offenders was the one they took on leaving school. It appears therefore, that measures to prevent offenders becoming persistent or habitual offenders, as we have applied the terms, might be concentrated on the time when boys leave school and particularly on the time when they give up their first job.

Summary

Our analysis of social findings tended to confirm Taylor's results on a different group of preventive detainees; they showed that, like Morris's habitual offender of 1948, the group consisted largely of men who had unsatisfactory family relationships, upbringing, and early environment. The present living conditions, marital arrangements and employment prospects were also generally very poor.

Half the group was homeless and over three-quarters of the marriages had broken down. The offender's criminal history (being a suspected person, vagrancy offences and rather trivial larceny offences in many cases) also suggested that these persistent offenders formed a very inadequate group by whatever standard one adopts.

The most favourable comment that could be made was that they were, on the whole, good prisoners.

There was a suggestion that the critical age of beginning their criminal histories was between 14 and 17.

PREDICTING RECONVICTION

IN order to produce an effective prediction of reconviction our problem is to combine the few items which have positive relations with reconviction in the way that will produce the greatest total effect. In general, the most satisfactory method to use is that of multiple regression,* provided that the data are in a suitable form. There are certain statistical problems involved when the information consists of a mixture of continuous variables and attributes whose presence or absence only is recorded; the regression method can be applied most appropriately to variables.

Although several of the items listed separately under Table 52 were correlated with reconviction, most of them occurred infrequently and as a result, in some cases they also had rather odd associations with each other. We have not, therefore, used the items singly but have combined them into "major fields" for further analysis. By so doing we hope that the general trends for groups of related items on reconviction will emerge without the fluctuations which obscure the relationship when each item is analysed separately. Theoretically, different fields should be isolated by means of a factor analysis. This procedure can be used to separate the data into functional unities or hypothetical independent variables, the "factors" and these can then be measured in the form of weighted sums of the constituent items. This is a refinement, which would only be justified with more adequate data than those afforded by the record forms. We have, therefore, grouped the items empirically into criminal history, prison offences, home background, work record and mental characteristics and in this case, we have used the simple totals provided by adding the numbers of items present in the group. The score totals in these fields can be treated, for the present purpose, as though they were variables in much the same way that psychological traits are often scored and treated as though they represented a unidimensional series, although the items comprising them may not be highly correlated with each other or necessarily very representative of the trait.

The items in Table 52 which we found to be most closely related to subsequent reconviction and which we have scored in the various fields were as follows:—

Criminal history

One adverse mark was given for each of the following characteristics: offender under 40 years old when he received his sentence of preventive detention; offender under 21 when he was first convicted, interval at liberty less than 12 months since offenders' last sentence, offender has been convicted at more than 20 appearances before the courts, offender has a poor army record, offender known to have mixed with or offended with others with criminal records, offender convicted of breaking and entering currently or persistently in the past.†

* This is the standard method followed by Mannheim and Wilkins (with some modifications dictated by the nature of the data) and used very effectively in their study of borstal trainees.

† The criterion adopted was that at least two-thirds of the offences should consist of breaking and entering.

Prison offences

The scoring system based on combinations of one or more offences committed during the first and second stages of the sentence of preventive detention has been described in Appendix B.

Employment record and work prospects

Any of the following counted as points against the offender; offender has a bad work record to the time of his current conviction (e.g. frequent job changes), he has had no vocational training or technical education, his previous jobs have been unskilled, he has no job to go to after sentence and his prospects of employment (whether through illness or outlook, etc.) are poor.

Home background

Points were counted against the offender if he had an adverse early home background, a bad school history, had been rejected by his family and relatives, if he had unsatisfactory marital relationships (living apart, cohabiting, etc.), if he was homeless (no fixed abode) or if his home was described as "not respectable".

Mental factors

The following adverse factors were taken from the medical officer's and other officers' records, any mental abnormality, e.g. psychopathic history of mental illness, schizoid, manic depressive, etc., mentally unstable, emotionally immature, any special personality problems mentioned in the record, any mental characteristics considered likely to affect the offender's chance of rehabilitation, subnormal intelligence.

We recognise that many of the above characteristics are largely subjective and that there will be considerable variation in the extent to which different officers will regard the items as worth recording in particular cases. When we studied the statements about the offender's prospects of reconviction we found considerable variation in the standards adopted by different members of the staff and we have no reason to expect any greater uniformity here. However, combined totals are usually more reliable than individual items. The total scores in the various fields distinguish the offenders whom the staff consider to be differently favoured in respect of all the items covered and we can see how far these differences are related to subsequent reconviction.

The distributions of scores in the separate fields are as follows:—

TABLE 54
Distribution of numbers of adverse factors in each field
(number of subjects=145)

Score (adverse points)	Criminal history		Prison offences		Employment record		Home background		Mental characteristic	
	No.	%	No.	%	No.	%	No.	%	No.	%
0 ..	6	4	53	36	5	3	17	12	53	36
1 ..	12	8	36	25	17	12	25	17	43	30
2 ..	26	18	30	21	45	31	44	30	21	14
3 ..	40	28	16	11	46	32	41	28	14	10
4 ..	31	21	10	7	32	22	16	11	8	5
5 ..	19	13	—	—	—	—	2	1	6	4
6 ..	11	8	—	—	—	—	—	—	—	—

Adverse factors were recorded more frequently in some fields than others. There is no special significance about the total scores in each field except that the factors all represent characteristics which were found more frequently among offenders who were later reconvicted than among those who had not been convicted within four years. The offenders were less often attributed with adverse mental characteristics or prison offences than adverse factors in the criminal history, employment record or home background. This is due possibly to the fact that, in these fields, stricter criteria were used. Prison misconduct was not recorded as a prison offence unless it constituted an infringement of the regulations and the offender was put on a charge. The reason for the high proportion of offenders without any recorded adverse mental factor or with one only, was that the pathological conditions were fairly rare, and the less readily defined conditions such as "emotional immaturity" or "with personality problems" tended to be recorded only if serious and then only as alternatives. These conditions were also rarely noted if the offender was already classified as a psychopath or as being of subnormal intelligence. The median scores in the different fields were: Criminal history 3; prison offences 1; employment record between 2 and 3; home background between 2 and 3; mental characteristics 1. An individual's score in any field must, therefore, be considered in relation to these figures.

The relation between the scores in the various fields and reconviction is shown in the following table.

TABLE 55

Percentage reconviction according to number of adverse points in different fields

Score (adverse points)	Criminal history	Prison offences	Employment record	Home background	Mental character- istics	Combined Staff prognosis
Percentage of group reconvicted within four years						
0 ..	67	70	60	82	73	50
1 ..	67	64	77	76	63	59
2 ..	62	73	66	80	86	77
3 ..	70	100	80	61	93	81
4 ..	77	100	81	81	(75)	72
5 ..	89	—	—	(100)	(83)	—
6 ..	91	—	—	—	—	—

As the scores in each field increase, there is a slight overall tendency for a somewhat higher proportion of offenders to be reconvicted but the percentages show some irregularity, especially in home background and mental characteristics. This is partly on account of the small numbers in the sub-groups, partly because the scores are not highly correlated with reconviction and also because the association with the scores in other fields may vary.

The correlations between the offender's scores in each of these main fields and the interval before reconviction were:—

criminal history	·177
prison offences	·117
home background	·099
work record	·193
mental characteristics	·101

We have also treated the most representative grade given by the staff as a score and the correlation with interval before reconviction was .085.

Earlier we suggested that the offenders aged 60 or over had somewhat different relations between some of their characteristics and reconviction compared with the rest of the sample and we have recalculated the correlations after removing this age group. The correlations were generally slightly higher when this was done, the results being as follows:—

Criminal history	.233
Prison offences	.196
Home background	.070
Work record	.173
Mental characteristics	.141
Staff grade	.156

We need not be concerned here with details of the statistical operations involved in the regression analysis. The essential point is that the procedure is designed to estimate a quantity (in this case tendency to recidivism) from the information we already possess concerning the offender: to do this we have to ascertain those features which are related to reconviction and then to combine them in a way which avoids duplicating the effects of related items. That is, we determine the net effect of any item and then add the correct quota to the pool of items already used. This means that each item is given the optimum weight according to its relation to reconviction and its relation to the other factors. The weights given are those required to produce the maximum determination of reconviction (highest multiple correlation with the criterion). The final result is to produce an equation specifying reconviction tendency from the various factors included in the analysis. There are two main stages; having decided which items we shall include in the analysis we must first determine the correlations between each item and reconviction and between each item and the rest (in order to allow for overlapping). From the table of correlations we have then to determine the appropriate weights to be given to each item (known as regression coefficients). In the present instance we are using the scores (number of adverse items in the various fields) to predict reconviction and the correlation results are shown below for offenders under 60 (i.e. after excluding offenders aged 60 or over owing to the special relations between reconviction and the various items in this group) (Table 56). In this table we have also included the Board's allocation to third stage.

TABLE 56

Intercorrelations between numbers of adverse factors in the offender's criminal and social histories and their correlations with interval before reconviction

	1 Criminal history	2 Prison offences	3 Home back- ground	4 Work record	5 Mental character- istics	6 Agreed staff prognosis	7 Allocation to third stage
1	—	-.147	-.054	.119	-.014	-.075	.073
2	.147	—	.112	.029	-.057	-.046	.080
3	.054	.112	—	.255	-.041	.257	.473
4	.119	.029	.255	—	-.026	.280	.637
5	.014	.057	.041	.026	—	.222	.014
6	.075	.046	.257	.280	.222	—	.667
7	.073	.080	.473	.637	.014	.667	—
Interval before reconviction ..	-.233	-.196	.070	.173	.141	.156	.156

The correlations are not high, though all are positive. Criminal record and prison offences give the best indication of whether the offender is likely to be reconvicted within a short or long time. The offender's home background has negligible correlation with reconviction.

Apart from the staff prognosis and the Board's allocation to third stage which, as we have seen, are based on some of the other factors, the various items show only slight correlation with each other.

The weights or regression coefficients (which must be taken on trust by those who are not familiar with the method of calculation) are shown in the next table together with the multiple correlations with interval before reconviction resulting from different combinations of items.

TABLE 57

Regression coefficients for various combinations of items on interval before reconviction

(β coefficients)

Row No.	Criminal history	Work record	Prison offences	Mental characteristics	Home background	Allocation to 3rd stage	Staff prognosis	Multiple correlation
1	..	.2159	.0760	.1478	.1540	-.0455	.1280	.371
2	..	.2120	.0739	.1486	.1375	-.0453	.1323	.360
3	..	.2120	.0785	.1461	.1361	—	.1078	.357
4	..	.1914	.1322	.1353	.1223	-.0154	.0744	.335
5	..	.1944	.1495	.1353	.1388	-.0016	—	.348
6	..	.1944	.1491	.1351	.1387	—	—	.345
7	..	.1917	.1455	.1635	—	—	—	.319

The multiple correlation of the offender's criminal history, work record, prison offences, mental characteristics, home circumstances, staff prognosis and allocation to third stage with reconviction together amounted to only 0.371. This is little different from the value of 0.4 for the prediction equation of various factors on reconviction for borstal boys, obtained by Mannheim and Wilkins.* Reconviction among these hardened offenders is therefore about as predictable as among younger (borstal) offenders. The multiple correlation of .371 is produced when the different fields are correctly weighted. The optimum weights (the regression coefficients in the first line of Table 57) show that the offender's criminal history, mental characteristics and prison offences have most effect on reconviction. The Board's selection for third stage also adds to the prediction but when these factors are included, home background and the staff prognosis of reconviction add very little. The small *negative* weight for home background is interesting; it shows that adverse home background is associated with the other factors and that once the effect of these associated factors has been allowed for, poor home background is no longer a factor which predisposes the offender towards reconviction (indeed it indicates that the other factors have already been slightly over-weighted by this factor).

The four factors criminal history, work record, prison offences and mental characteristics, together with the Board's allocation (row 3) gave a multiple

* "Prediction methods in relation to Borstal training", H. Mannheim and L. T. Wilkins.

correlation of 0.357, and it is therefore scarcely worthwhile including home background and the staff prognosis for the quite marginal gain in prediction that results.

When neither the staff prognosis nor the Board's allocation is taken into account, the multiple correlation $R_m = .348$ is slightly but not significantly inferior to the results obtained with either of these added. (Rows 3 and 4.)

If one were to choose between the recorded items on form 1140, and the Board's decision together with the staff prognosis, the recorded information is considerably superior, $R_m = .348$ compared with .171 for the subjective judgments of the Board and staff combined. A regression analysis was applied to the different staff members' assessments in order to produce the maximum correlation with reconviction, for all offenders the multiple correlation of the combination of the staff prognoses and reconviction was only .144. This compares with the maximum individual figure of .116 (for the correlation between Governors' assessments and reconviction). It is unlikely, therefore, that the multiple correlation obtained from the best weighting of the staff results together with the Board's allocation would exceed 0.2, even when confined to offenders under 60. The correlations are all so low as to indicate group tendencies only, rather than predictions applicable to particular individuals.

The calculation of scores for reconviction tendency

The β coefficients shown in Table 57 are the weights to be applied to scores in the various fields when expressed in terms of their standard deviations. The standard deviation unit is used because this is a comparable measure of "extremeness". That is, it represents the values which are likely to occur with equal frequency, in any variable. For example, values of more than one standard deviation above the mean are likely to occur in about one-sixth of the cases of a normal distribution and values more than two standard deviations above, in about 2% of the cases, whatever the value of the standard deviation may be.

Since the scores have later to be turned into equivalent percentage reconvictions, the relative results are not affected by adding constant values to each series, in order to eliminate negative values. Hence we can multiply the *total scores* divided by their standard deviations (instead of first expressing them as deviations from the mean score in each field) by the regression weights*. The

* A problem arises when we include allocation to third stage since it is not treated as something in which the offender can vary continuously (although we could suppose that there are virtual certainties, "near misses" and "nowhere near" cases and the Board could have awarded points instead of giving a "yes" "no" decision). If we regard this decision as one imposed on a continuum "the degree of suitability for third stage" for administrative convenience, then we can invert our previous relation between frequency of occurrence and the standard deviation and suppose that if an event occurs in about one-sixth of the cases, the line of demarcation is equivalent to a "score" of plus one standard deviation and so on for other frequencies. There was no suggestion that the Board's allocation to third stage was influenced by the number of places available in hostels and therefore the figure of one-sixth represents the proportion that the Board considered suitable. Since the proportion of offenders selected for third stage is known this proportion can be translated into an equivalent standard deviation score (by consulting appropriate tables). This standard deviation score is then weighted by the appropriate β coefficient in the same way that the other scores are treated after converting them into equivalent standard deviation units.

weights to be applied to the actual scores in the different fields in order to give the highest multiple correlation with reconviction, i.e. the optimal contributions to the prediction score (times a factor ten) are as follows:—

TABLE 58
Weights applied to each field

	Number of items present						
	0	1	2	3	4	5	6
Criminal history ..	0	1.4	2.8	4.2	5.5	7.0	8.5
Prison offences ..	0	0.7	1.5	2.2	2.9	3.6	—
Work record ..	0	0.7	1.5	2.2	3.0	3.7	—
Mental characteristics..	0	1.0	2.0	3.0	4.0	5.0	—

For offenders not selected for third stage add 1.5 points.

We have scored each individual according to the scheme above, thus producing a measure of his tendency to recidivism; we can call these figures "prediction scores". The tendency to recidivism as a score is somewhat difficult to accept, since an offender either is or is not reconvicted subsequently. However, we have taken into account the period during which reconviction occurs (and we might have taken into account the seriousness or number of subsequent offences). It is therefore possible to regard the score as indicating tendency to be reconvicted early or after a long interval (or if we had used the other criteria, by committing a trivial or a serious offence or few offences or many offences). As a consequence of regarding the score as measuring the amount of the tendency in the individual, we would expect that among groups of offenders with low scores there would be a small proportion reconvicted subsequently and among groups with high scores, a large proportion reconvicted.

Each individual thus has a "score" which, if it is a high one, indicates a high recidivism tendency (or high expectation that he will be reconvicted) and if it is a low one, a low expectation, but until we have compared the scores with the actual reconviction experience, we cannot say just how high or how low. To do this we have grouped the prediction scores resulting from the above weighting into ranges. The scores range from 0 for a prisoner selected for third stage who did not possess any of the adverse factors we have listed in criminal history, or any other of the fields, to 24.1 for the offender who showed all the adverse factors listed and who was not allocated to third stage. Clearly it would be rare to find such extreme individuals among a group of prisoners serving a sentence of preventive detention and the lowest score we encountered was 1.4 and the highest score, 18.8. The grouping we have used is one which gives approximately equal numbers within each sub-group. (There are a few extreme values which make it undesirable to use equal intervals throughout the distributions since the end groups would contain too few cases.) The relations between score and proportions of offenders reconvicted are shown in Table 59 for the four groups.

TABLE 59

*Relation of prediction score to proportion of offenders reconvicted
within different intervals
Cumulative reconvictions*

Pre- diction Score	No. in group	Interval before reconviction								Not reconvicted
		Under 3 months	Under 6 months	Under 12 months	Under 24 months	Under 36 months	Under 48 months			
1-7-9 ..	42	0 0%	3 7%	9 27%	17 40%	23 55%	25 59%	17 40%		
8-9-9 ..	34	3 9%	9 26%	11 32%	20 59%	22 65%	33 68%	11 32%		
10-12-9	33	5 15%	9 27%	16 48%	20 61%	25 76%	27 82%	6 18%		
13 or over	36	3 8%	9 25%	17 47%	26 72%	31 83%	33 92%	3 8%		
All cases	145	11 8%	30 21%	53 37%	83 57%	101 70%	108 74%	37 25%		

By making use of the prediction score it is possible to distinguish groups of offenders who had considerably different reconviction experience subsequently. Just less than 60% of the group with the lowest prediction score were reconvicted within four years whereas over 90% of those with the highest scores were reconvicted. The groups with intermediate scores also had intermediate proportions reconvicted during four years. Similar gradients apply to reconvictions within any interval after six months, but before this time the figures are only consistent for the extreme groups. This result contrasts with the staff prognosis of reconviction where the offenders tended to have much the same proportions reconvicted whatever their prognosis group.

It is interesting to note that even the most favourable group still has a reconviction rate approaching 60%. When we compared the reconviction figures for the few offenders with "scores" below five we still found a reconviction rate of 60% and we have to go down to a score of three before we can say that an offender has a greater probability of not being reconvicted than of being reconvicted within four years (but there were only five offenders with a score as low as this). Table 59 shows that we have isolated a group (the group with score less than eight) in which the probability is slightly in favour of the members *not* being reconvicted within two years; for any other score group the reconviction rate is above 50% for this period. Apart from the above, only the reconvictions before one year from the date of release fall below the 50% level. We are therefore dealing with a type of offender who is so habituated to crime that it is extremely difficult to predict with any certainty that he will go straight, even if he is free from most of the characteristics which differentiate the more recidivist members from the rest. All we can say is that offenders with some characteristics are less likely than others to be reconvicted, although they are still more likely than not to be reconvicted ultimately.

Initially we set out to assess reconviction *tendency* in groups and the only way in which this could be applied to *individuals* as a variable quantity would be if we could show that the higher the prediction score was, the earlier an individual was likely to be reconvicted. The results in the above table have been expressed as the proportions of the total (four year) reconvictions which occur during the various intervals after release. This is a secondary result since, to show it, we have to discount the difference in the general level of

reconviction. As the total number in the sample is small we have produced two groups from the four sub-groups above by combining the two lower and two higher score ranges respectively and we then obtain the following result for the periods within which reconviction occurred.

TABLE 60

Relation between prediction score and speed with which reconviction occurs

Prediction score	Proportion of total reconvictions occurring within different periods						
	Under 3 months	3-5 months	6-11 months	12-23 months	24-35 months	36-48 months	Total
Less than 10	6%	19%	17%	35%	17%	6%	100%
10 or over	13%	17%	25%	21%	17%	7%	100%

Somewhat larger proportions of reconvictions occurred during the early period after release in the high score group.

The *cumulative proportions* of failures which occurred within different intervals from the date of release show this feature rather more clearly.

TABLE 61

Prediction score	Under 3 months	Under 6 months	Under 1 year	Under 2 years	Under 3 years	Under 4 years
Under 10	6%	25%	42%	77%	94%	100%
10 or over	13%	30%	55%	76%	93%	100%

The high score group is therefore not only more vulnerable (in the sense of having more of its members reconvicted) but those who are reconvicted tend also to fail earlier than in the low score group.

Prediction of reconviction from unweighted totals

When the simple total of the adverse items in the four fields is used as a score indicating tendency to recidivism we obtained a distribution which could again be divided into four approximately equal groups. The resulting reconviction figures can thus be compared directly with those given by the more elaborate weighted system based on the prediction formula (Table 59), since in both cases we were able to select approximately the same proportions in the sub-groups. The results are shown in Table 62 for reconviction over the maximum period available.

TABLE 62

Percentage reconviction according to the simple total of selected adverse factors

<i>Score group</i>	<i>Number in group</i>	<i>Percentage reconvicted</i>
0-6	31	61%
7-8	39	62%
9-11	42	81%
12-17	33	94%

The gradient of reconviction from the lowest to highest score groups is very nearly the same whichever method is used. The unweighted score does not discriminate among the low score groups quite as well as the weighted score does but at other levels the results are closely comparable.

It is interesting to compare these results with those obtained from analysing the "adverse" factors listed on the form 1140 produced for the use of the Advisory Board (page 141). The present result is far superior in distinguishing between those offenders who are more likely to be reconvicted and those who are less likely. It is evident, therefore, that it is necessary to test the items to be included before relating their total score to reconviction. Having done this, and having ascertained that the individual items have some discriminating power, even if slight, applying a differential weighting system does not apparently add much to the usefulness of such a total.

The implications of these results on selection for third stage

Because the inter-correlations between the various fields are low, we see that there is no general factor operating whereby one could say that those offenders in the group who have the worst criminal histories also commit most prison offences, have the worst home backgrounds, work records and the most unsatisfactory mental characteristics and the converse for those with less serious criminal histories. The reason is probably the highly selective nature of the group. Compared with the first offender or occasional offender groups, and certainly in comparison with the population at large, the present group is probably inferior in all the respects noted. In Chapter 18 we saw that the preventive detention offender or Morris's "habitual offender" was a person who, compared with the normal, lacked social responsibility in all respects, rather than being differentiated by his criminal activities. Within the present group we find that some offenders are characterised by worse home circumstances than others, although they may be more stable and better adjusted psychologically. Other offenders may be worse or better than the rest in certain respects but rarely in all respects. If an offender were substantially better than the rest in *all* respects it is unlikely that he would be in the group at all. When the distribution of total scores in all fields (Table 62) was broken down further, we found that only 7% of the group possessed fewer than five adverse factors and 4%, 15 or more, and the extreme values encountered were 2 and 17 (not 0 and 25 possible). This is important from the point of view of treatment because in Chapter 18 we suggested that to treat the persistent offender and even more the preventive detainee as a group, it would appear desirable to work on

the widest possible front, tackling not only the offender's criminality but also his general social inadequacy, in the hopes that success in any field might carry over and lead to improvement in others.

When we consider selection for third stage, this involves treating the preventive detainee differentially. We should not expect at this level to be able to select the *generally* better or worse types—nor indeed to treat the offenders as though they could be differentiated thus. Instead, the evidence is that selection should be a multiple one based on different criteria related to the particular aspect in which the treatment is to differ. In other words, the offender's strong points and weak points within different fields ought to determine how he should be treated. (This is assuming that further research confirms the present indications that there are cross classifications of offenders within limited fields rather than one general division which sorts the men into a more favourable or less favourable group for all purposes.) This would also imply that, in the multiple classification, an offender might be placed in different categories according to the particular area covered by the grouping. Such a basis of selection would be quite different from the present third stage system, in so far as the present system attempts to differentiate offenders in terms of the one main factor, probability of further reconviction, and then recommends hostel treatment or not according to this factor. It is important to recognise the distinction between the prediction results based on the combined social and criminal factors and the presence of different types of offender. Prediction methods can be used to estimate the probability of reconviction and through it groups can be equated *in respect of this aspect only*. Individuals or groups with the same prediction score are not necessarily alike; there is no inconsistency between a measure of vulnerability based on the sum of adverse items in different fields and an absence of a general social inadequacy or even a general criminality factor. Prediction scores can indicate which individuals are most likely to be reconvicted but they do not indicate what type of treatment they should have to avoid this. In the same way, the Board could select the most vulnerable offenders (although it does not at present succeed in this) but even if it were to do so, it would not follow from this that such a selection would indicate that hostel or any other special form of treatment would be the most appropriate to apply. That is a matter for study.

If an adequate type classification can be devised, this would enable treatment to be made to fit the offender more closely than the present system. For example, the group with many prison offences would be treated differently from one whose adverse score was confined to a bad work record and prospects or again from the group with psychological inadequacies. Moreover the offender's age might well determine how he should be treated, even though this may not affect his chances of reconviction at all.

Summary

The analyses of the relations between the individual items recorded on form 1140 and reconviction carried out in Chapter 17 showed that a few of the items only were associated with reconviction. Certain so-called adverse factors were unconnected with reconviction and the Advisory Board had no means of knowing which ought to be taken into account.

The problem of predicting recidivism among these hardened offenders is that of combining the few social and criminal items which showed any relation to reconviction in the best way.

To do this we have calculated "scores" of relevant items in five main fields, criminal history, prison offences, employment record, home background and mental characteristics for use in combination with the staff assessments or the Board's decision on third stage if necessary.

Individually these fields gave very low correlations with the proportions reconvicted with interval before reconviction and, when the anomalous group of offenders aged 60 or over was removed, the correlations were:—

Criminal history	·233
Prison offences	·196
Home background	·070
Work record	·173
Mental characteristics	·141

The combined staff grading correlated ·156 and the Board's allocation ·156. The several fields showed little correlation with each other hence their effect on reconviction tended to be additive.

A Regression analysis produced a maximum multiple correlation with reconviction of ·371, and using criminal history, work record and prison offences alone, ·319 or with the Board's allocation ·357.

The item totals in the various fields (omitting home background, and staff prognoses since they contributed little to the multiple correlations) were weighted according to their contribution to the combined correlations and the resulting prediction scores showed the following proportions reconvicted (within four years).

<i>Prediction score</i>	<i>Percentage reconvicted</i>
1- 7·9	59
8- 9·9	68
10-12·9	82
13 and over	92

It is therefore possible to use such scores to differentiate groups with very different reconviction rates. In addition the more vulnerable the group the greater the proportion of *early* reconvictions. An unweighted total of adverse factors in the various fields, gave a very similar result.

The implications of the low correlations between the different fields are that for purposes of *treatment* we should not use combined totals but should use a multiple classification and treat differently those offenders whose criminal history, work record, home circumstances or psychological conditions and so on are most adverse.

CHAPTER 20

THE USE OF "PRIOR PROBABILITY" OR "VULNERABILITY" SCORES IN COMPARING RECONVICTIONS OF SPECIAL GROUPS

(An illustrative example)

In Tables 55 and 56 we divided the offenders into groups with different numbers of the factors which we have shown to be related individually to reconviction and we then ascertained their combined effect on the proportions reconvicted. We can only use the information for prediction of *future* happenings on the assumption that the relations which we have demonstrated apply to other groups of preventive detention prisoners whose progress after sentence is not known. It is therefore necessary to confirm or disprove the present findings and this we shall attempt in the validation study in Chapter 21 and, we hope, more fully in the future by following up the 1956 preventive detention group whom we have studied in Chapters 1-7. By now all but a few of the group will have appeared before the Advisory Board for consideration of their suitability for third stage but only a minority will have been released from sentence and these not long enough to make a follow-up study worthwhile, as yet. In the meantime we can make use of the vulnerability scores in two groups in a way which illustrates the general usefulness of the prediction procedure. Vulnerability to reconviction is determined by the general relationship between the factors studied and reconviction; if we wish to compare the reconviction of any sub-groups, for example, the special groups referred to at the end of Chapter 15, consisting of offenders who committed fraud and the offenders about whom the staff disagreed in their reports on suitability for third stage (our so-called "X" group), we should compare them relative to the group's expectation of reconviction. A discussion on methods of obtaining the expected reconviction figures and a comparison with the practice of standardising mortality rates is given in Appendix I. The method used in producing the results shown below is the prediction or prior probability method as used in Chapter 19.

The analysis of two special sub-groups in the sample

The numbers in the groups are small, 24 fraud offenders and 16 "X" offenders (offenders about whom the staff disagreed most widely in their prognosis) and the results should be taken as an illustration of the method rather than as providing findings of interest in themselves.

A. Offenders convicted of fraud or false pretences

The hypothesis we shall put forward is that this particular group of offenders is more capable of producing a good impression on the staff and probably also on the Selection Board, than other offenders. As a result, we should expect them to have higher than average proportions of the better grades for prison conduct, efforts at rehabilitation, relationship with prison staff and also more favourable prognoses from the staff than other groups. A supplementary hypothesis is that these men will be more highly rated than they merit. This should show up as an excess of reconvictions compared with the expected

reconvictions following the sentence of preventive detention. To test this we shall have to allow for such differences as there are between this group of offenders and the remainder, which affect their expectation of reconviction.

The group of offenders designated "X" must also be compared with other preventive detainees and, in order not to duplicate the results, we have shown the "X" group results in the same table, although to avoid confusion we have discussed the results separately.

Table 63 shows the distribution of scores in the various fields for:—

- the offenders convicted of fraud,
- those on whom the staff disagree in their prognoses (the "X" group),
- all preventive detainees in the sample.

Table 64 shows the distribution of the grades given by the uniformed staff for behaviour whilst in prison and the combined staff prognoses of reconviction for the same groups. The mean numbers of adverse characteristics in the various fields and the mean grades given by the staff counting grade A as 1, B as 2 and so on, are shown in Table 65. (A high score therefore represents an adverse rating and the full distribution is given to show the procedure.)

TABLE 63

Percentage scores in different fields.

- fraud offenders,
- "X" group—offenders about whom the staff disagree,
- all preventive detainees.

Score	Criminal history			Prison offences			Employment record			Home background			Mental characteristics		
	Fraud (a)	"X" group (b)	All cases (c)	Fraud (a)	"X" group (b)	All cases (c)	Fraud (a)	"X" group (b)	All cases (c)	Fraud (a)	"X" group (b)	All cases (c)	Fraud (a)	"X" group (b)	All cases (c)
0	21	0	4	58	50	36	4	0	3	21	19	12	50	38	26
1	29	13	8	25	19	25	29	6	12	21	25	17	25	31	30
2	13	56	18	17	25	21	29	56	31	29	25	30	13	25	14
3	12	25	28	0	11	11	25	25	32	21	25	28	4	0	10
4	21	0	21	0	6	7	13	13	22	8	0	11	8	0	5
5	0	6	13	—	—	—	—	—	—	0	6	1	0	—	4
6	4	0	8	—	—	—	—	—	—	—	—	—	—	—	—
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Fraud offenders

The results show that the percentage grades and mean scores for the prisoner's efforts towards rehabilitation and attitude towards the staff were somewhat better for offenders convicted of fraud than for other offenders; they also had fewer adverse factors in their criminal histories, they had committed fewer offences against discipline whilst in prison and their home backgrounds, mental characteristics and employment prospects were also better.

TABLE 64

Percentage distribution of staff grades

Grade	Prison conduct grades Item B1			Efforts towards rehabilitation Item B2			Relations with staff Item B3			Combined staff prognosis		
	Fraud (a)	"X" group (b)	All cases (c)	Fraud (a)	"X" group (b)	All cases (c)	Fraud (a)	"X" group (b)	All cases (c)	Fraud (a)	"X" group (b)	All cases (c)
A	29	13	25	29	12	8	4	0	5	37	—	6
B	8	25	26	25	25	18	8	6	10	29	—	14
C	29	25	18	25	19	17	8	25	18	21	—	16
D	13	31	14	17	25	22	38	50	35	13	—	28
E	21	6	17	4	19	35	42	19	31	0	—	36
All grades ..	100	100	100	100	100	100	100	100	100	100	100	100

TABLE 65

Mean grade scores

	Prison conduct	Rehabilitation	Staff relations	Criminal history	Prison offences	Employment record	Home background	Mental characteristics	Combined staff grade
Fraud ..	2.89	2.42	4.06	1.99	0.59	2.16	1.74	0.95	2.10
"X" group	2.92	3.14	3.62	2.30	0.93	2.45	1.86	1.17	—*
All cases ..	2.72	3.58	3.78	3.25	1.28	2.58	2.00	1.32	3.74

* The mean grade for this group is not relevant since, by the definition of the group, it is based on discrepant grades.

The offender's prison conduct and efforts towards rehabilitation were given moderate ratings by the uniformed staff but his relations with the staff were given high scores indicating adverse relations.

The greatest difference was in the staff estimates of reconviction since 66% of fraud offenders were placed in grades A and B compared with only 20% for all offenders. In the sample 46% of the fraud group were allocated to third stage compared with 43% for the remainder. The group also had a very similar reconviction to the average, 67% compared with 75%. As a group the fraud offenders represent a rather superior type of offender compared with most preventive detainees, but the indication is that they were given higher grades by the prison staff than were other offenders with similar characteristics. The selection Board did not take as favourable a view of these offenders, and its attitude is supported by the subsequent reconviction figures.

When the subsequent reconvictions are compared with those that would be expected from the prediction scores, the actual number of reconvictions was 16 compared with the expected number of 15.6* (or 103% of the expected number), a negligible difference.

* The figure 15.6 is, of course, only a statistical quantity, produced by multiplying the distribution of scores by the reconviction rates obtained in Table 59. The staff prognosis grade is not included among the factors used for the prediction; the factors were: criminal history, prison offences, employment record, mental characteristics and selection for third stage.

There is therefore, evidence that the group's prospects were over estimated by the staff but that though the fraud offenders failed to live up to the staff's expectations, they were not appreciably more recidivist than other offenders with similar criminal records and social characteristics.

Thus the hypothesis that the fraud offenders would impress the staff but would be unable to live up to this promise when released was confirmed. (The favourable impression created by fraud offenders was not, however, due to their getting on well with the staff as we had supposed, because there were, if anything, more grades D and E given to this group than to the remainder.)

Offenders about whom the staff disagree

If for some reason certain offenders impress different members of the staff very differently so that they receive good prognoses from some and poor ones from others we might expect that the subsequent reconvictions of these offenders might also be different in some way from those of other offenders.

Two groups on whom one might expect the staff to disagree are the (a) fraud and false pretence offenders (some of the staff being "taken in" and others not) and (b) offenders who differed markedly in the different characteristics recorded. If an offender receives a good grade in one characteristic and a poor grade in another we might expect the staff to differ in their assessments of his likelihood of reconviction according to the relevance they placed on the different characteristics.

The characteristics of the 16 offenders who were designated "X" on the staff prognosis score are summarised in Tables 63, 64 and 65. The group's prison conduct was slightly worse than average, efforts towards rehabilitation criminal history and prison offences were somewhat better and the relations with the staff, the employment record, home background and mental characteristics were about average.

Three of these "X" offenders were classified as frauds and this represents about the number that would be expected (2.6) if there were no special tendency for frauds to be given this ambivalent grading [the expected number is calculated by $\frac{n_1 \times n_2}{t} = \frac{24 \times 16}{145}$ or 2.6 where n_1 = number of frauds, n_2 = number of "X"s, t = total number.] We do not therefore find that the staff disagree more over their gradings of fraud offenders than over other offenders; thus our supplementary hypothesis (a) is not sustained.

The proportion of "X" offenders selected for third stage is 69% which is considerably higher than the general average of 43% for the sample. The higher proportion selected for third stage cannot be accounted for by the slightly better than average scores in criminal histories and smaller number of offenders with offences against prison discipline. Indeed, it is not at all clear from the records why the Board treated the group favourably especially as they formed a worse group than the frauds.

The reconviction rate for the "X" group (69%) is approximately equal to the general rate (74.5%). When the distribution of the prediction scores is taken into account the calculated number of reconvictions expected was 11.2 compared with the actual number 11, a quite negligible difference. The rate

is thus entirely accounted for by the type of offender (the actual number reconvicted=98% of the expected value). The hypothesis that the group about whom the staff disagree would tend to have a different reconviction pattern from the rest is not supported from the data.

Table 64 shows that the "X" group had *fewer* extreme grades in all but three of the characteristics graded; these were prison offences, home background and mental characteristics and in these the differences were slight. Since there are very few with extreme reconviction grades, condition (b) is not fulfilled and it is hardly worth checking whether the *interaction* of the grades is any different in the "X" group from the rest.

In passing it is worth noting that the fact of these two small groups having produced the number of reconvictions expected of them (both having a slightly lower than average reconviction rate) confirms the prediction basis. We might have expected that the prediction factors would not have worked for these small groups, especially as they differed from the average gradings in several respects. Moreover, the criterion scores of some of the individuals concerned were based on certain items and for others on quite different items, and qualitative differences provide the severest test of the equivalence of the prediction criteria.

Prediction methods cannot as yet be applied to suitability for different treatments because we do not have sufficient information to relate the prior conditions to different methods of dealing with preventive detainees but there is no reason to suppose that progress similar to that made in estimating reconvictions will not be possible in this related field given the necessary preliminary information.

Summary

Prediction scores were used in the comparison of two special groups, one consisting of offenders convicted of fraud and the other of offenders about whose prospects the staff disagreed most.

These two groups were small and they illustrate the method of using prediction scores rather than providing results of any importance in themselves.

The hypotheses advanced were that the fraud or false pretence offenders would impress the staff unjustifiably and that therefore the staff expectations of their subsequent success would not be borne out; we also supposed that the offenders who affected some members of the staff very differently from others might have different reconviction results from usual.

The use of a prediction score as a matching device is discussed in relation to individual or group matching methods; the chief advantage of prediction is that it can be applied to widely differing samples, since it is only dependent on the *equivalence* of different factors (in respect of reconviction or whatever else is being predicted) whereas the matching methods require the factors to be *identical*. Its disadvantage lies in the restriction that whereas matched (identical) groups are equivalent for all purposes, prediction groups are equivalent only for the basis on which they were calculated and they should not be employed for any other purpose.

Prediction scores were used to test whether offenders convicted of fraud or false pretences and offenders on whom the staff disagreed in their prognoses had any different reconviction experience from the figures which would be expected from the nature of the offenders.

The hypothesis that frauds would be over-rated by the staff and as a consequence would not live up to the staff expectations was confirmed. Despite very favourable staff reports (which the Board did not support) these offenders were reconvicted as often as other offenders of the same rather superior social status, i.e. neither more nor less often than expected from the prediction scores.

Offenders on whom the staff disagreed also had the reconviction rate which was expected from their prediction scores. Hence our hypothesis was not sustained.

CHAPTER 21

VALIDATION STUDY

THE prediction formula devised in Chapter 19 for estimating an offender's chance of reconviction after his sentence of preventive detention was not strictly speaking a *prediction* at all in so far as it was based on information analysed *after* the facts of reconviction were known. It is customary in this field to refer to such an estimation as a prediction on the grounds that the factors which can be shown to be associated with reconviction in this way would act in a similar way if applied to a further group of offenders whose reconviction information is not known. Clearly this needs to be established before the term "prediction" is justified.

In Chapter 11 we indicated that we proposed to test the present formula when the 1956 offenders have been released from sentence for a sufficient time. However, there have been others released from preventive detention since the group of offenders on whom the reconviction study of Chapter 19 was based and we have carried out a validation study on such of these offenders as have been at liberty for a sufficient time to provide a three to four year follow-up period, namely offenders released in 1958. From the forms 1140 for this group we have extracted particulars of the offender's criminal history, social circumstances, word record, and reaction to sentence (prison offences) as before. We have not, however, coded the staff prognosis since this is a lengthy operation and we are primarily interested in seeing whether the formula devised earlier without using the staff prognosis works on the new group.

Validation can consist simply of a confirmation that the original formula works for the new group. (This was the stage of validation used in the Mannheim and Wilkins' study.) It can however proceed much further and consist of a complete re-analysis of the data, to test whether all the relations between the original items and the criterion or with each other remain unchanged. Two different questions are being asked according to how far the validation procedure is taken. In the simpler case the question to be answered is "have the score groups the same relation to reconviction as before"? In the more extensive validation the question asked is "does the original formula still continue to provide the best prediction of reconviction"? It would be possible for the prediction scores still to split the offenders into groups with the same reconviction percentages as before, but some other combination of items might now produce a closer relation to reconviction. That is, it might spread the reconviction percentages more widely according to the same scores and, therefore, be a more effective predictor.

The results of applying our original weighting to the "scores" in the four fields was as follows:—

<i>Score group (weighted)</i>	<i>Number in group</i>	<i>Percentage reconvicted</i>
0- 7.9	55	71%
8- 9.9	33	70%
10-12.9	41	71%
13+	16	94%

Similarly the simple totals of items in the four fields gave the following reconviction results:—

<i>Score group (unweighted)</i>	<i>Number in group</i>	<i>Percentage reconvicted</i>
0-6	34	76
7-8	55	71
9-11	34	66
12+	22	81

Clearly these results do not separate the offenders into groups with increasing proportions of reconvictions as they did in the original sample except perhaps in the high score group.

One possible reason for the discrepancy is that the distribution of scores could differ in the two samples, either because the groups of offenders differ or because the recording standards differ (we remarked that many of the items were subjective and that the coding was to some extent arbitrary).

The overall reconviction figures for the original sample and the validation group were very close, 74·4% compared with 73·1%, and the score distributions in the different fields (not shown) were also very close, so this could not account for the difference. Examination of the reconviction figures in the separate fields indicates that the percentages in the various score groups do not show consistent gradients. The result for employment history gives a marked U shape, with too many reconvictions in the low score groups. The agreement in criminal history is also not good but prison offences and mental characteristics show gradients comparable with those of the original groups. In these last two there is a general trend of increasing proportions reconvicted as the score increases but with some exceptions, especially where the numbers in the groups are small.

To find where the anomalies lie we must make an item analysis. The proportions of offenders with the listed characteristics who were reconvicted in the validation sample are shown in Table 66 for comparison with the results obtained with the previous group (Table 52). To make the comparison easier, we have extracted the appropriate items from the earlier table and set them alongside the validation results.

The number of offenders showing these various characteristics and the proportions reconvicted are very similar in the two samples.

In the validation sample, items which show a lower reconviction figure than average among these supposedly adverse characteristics are:—

<i>Criminal history</i>	..	..	bad companions
<i>Employment</i>	..	..	No promise of work
			Unskilled work
			No vocational training
<i>Mental</i>	..	..	.. "Problems of personality".

Several of the other items show negligible difference from the general reconviction level of 73% for all offenders.

TABLE 66

Relation between certain characteristics and reconviction in validation and original samples

Characteristic	Validation sample		Original sample	
	Number	Percentage reconvicted	Number	Percentage reconvicted
Criminal history				
Age at sentence 30-39	85	77	66	79
20 or more appearances	31	84	24	79
Less than 1 year at liberty ..	98	81	80	79
Current offence breaking and entering	78	76	82	79
History of breaking and entering	94	75	64	84
Under 21 at first conviction ..	102	74	92	76
"Bad" companions	36	64	48	84
Offences whilst in forces	77	73	65	81
Employment				
No promise of work	105	69	110	77
Unskilled work	101	69	90	78
No vocational training	109	67	122	75
"Bad work record"	44	84	51	78
Employability not "good" ..	59	78	60	68
Mental				
Psychopaths or psychl. abnormality	45	78	33	82
Problems of personality	30	67	49	74
Low intelligence	39	74	23	83
History of mental illness ..	16	88	10	70
Emotionally immature	69	73	46	87
Psychological handicap to rehabilitation	38	71	39	74
All cases	145	73	145	74

None of these five items showed much discrimination in the original group but they were retained there for their collective effect on the total. We can regard these differences from the original group as due to normal sampling fluctuations but in the case of the work history the three items together affect the total score considerably.

The interpretation of "skilled" work and "vocational training" was made difficult because different prisons tended to emphasise different aspects. One prison emphasised the prisoner's training and experience before sentence and another emphasised the courses taken during sentence. We found it preferable therefore to classify the offenders according to whether they had previously been employed in a trade which involved any kind of skill or specialisation or whether they would be using their prison training in the kind of job promised. From this item, together with the two entries employability "good" or otherwise and an entry "bad work record" given in the work history, we made up a

slightly different employment score which, though related to the previous result, was more prognostic and we substituted this score in the unweighted total.

The item "problems of personality" and factors in the psychological history affecting rehabilitation also proved difficult because one medical officer responsible for a large proportion of the entries, included in his report such characteristics as "failure to stick to any job" whereas another confined himself to purely medical factors and unless there was any psychological abnormality or special medical condition, he entered "nil" or "no effect", opposite both items. However we were not able to find any other entries under psychological factors which worked any better and therefore we retained the original classification.

We deleted the item "bad companions" from the score for criminal history because, although it had a positive bearing on reconviction in the original group, it was now apparently negatively associated with reconviction. In place of this item we used the number of types of offence committed by the offender. This item gave the following relation with reconviction.

<i>Number of types of offence</i>	<i>Number</i>	<i>Percentage reconvicted</i>
1-3	46	65%
4 or 5	60	73%
6 or 7	22	82%
8 or more	17	82%

The code for the prison offences classification previously used, was retained unchanged.

The result of using scores modified as indicated above (and grouped so as to produce a minimum number of 15 cases in any sub-group) was as follows:—

TABLE 67

*Reconvictions according to scores in various fields of
behaviour (revised scoring)*

Criminal history		Prison offences		Employment		Psychological characteristics		Unweighted total	
Per- centage reconvicted	Score	Per- centage reconvicted	Score	Per- centage reconvicted	Score	Per- centage reconvicted	Score	Per- centage reconvicted	Score
0-2	72	0	68	0	67	0 & 1	69	1-6	64
3-4	60	1	68	1	70	2	76	7-8	65
5	75	2	77	2	75	3	83	9-10	80
6+	93	3+	81	3+	86	4+	77	11+	85

These results distinguish to some extent between the proportion of offenders subsequently reconvicted although (as was to be expected) they do not "spread" the offenders as well as the factors did in the original sample. We have not

re-analysed the group to provide the best combination of these factors for predicting reconviction, since such a weighting would itself require a further validation. When we used the same weightings that we derived from the original study (notwithstanding the slight difference in some of the fields) we obtained the following result:—

<i>Score</i>	<i>Number in group</i>	<i>Percentage reconvicted</i>
0·0- 7·9	52	67%
8·0- 9·9	30	60%
10·0-12·9	37	84%
13+	27	85%

The slight changes have improved the prediction in so far as discrimination now begins earlier in the score range. The weighted result is slightly inferior to the unweighted one probably because the weights used before were dependent upon the inter-relations of the fields which have now changed. The results show that a proportion of offenders were subsequently reconvicted although their "prediction score" was low*. Discrimination only applies between the offenders with scores under or over ten (as it does also on the unweighted scores). That is, we can only use the prediction scores to differentiate the 57% of offenders with an expectation of reconviction (within three to four years of release) of about 64% from the remainder with an expectation of about 84%. Whether we use a weighted or an unweighted scoring method apparently makes little difference. This result agrees closely with that obtained for the original sample, for when it was divided into two groups, those with scores less than ten compared with those of ten or more the proportions reconvicted were 64% and 86% respectively. In the earlier group, however, we were able to discriminate within the two halves in a way which we have not been able to reproduce.

Further work is required to find stable determinants of reconviction among these very persistent offenders. Undoubtedly the problem would be made easier if we could have included less highly selected offenders such as those liable but not sentenced to preventive detention. It is probable that a new and better combination of the individual items in the different fields shown in Table 67 could have been devised if the full inter-relations had been taken into account, but these relations might differ again on a future occasion. This applies particularly to the item on number of types of offence committed which is very promising and which probably ought to be given more weight in the total.

On the whole the reconviction results for the different characteristics are very similar in the two groups but the prediction scores are fairly sensitive to difference in the inter-relations between the fields.

By combining the two samples into one group of nearly 300 cases it should also be possible to obtain a prediction which would be independent of the fluctuations inevitable in the two smaller groups.

* The apparently inferior result obtained for the combined results than for the individual fields is due to using less extreme scores than those shown in the separate fields. For example we could have selected the few offenders whose combined score was 15 or over and thus produced a reconviction figure of 100%. However, we are attempting to include fairly substantial proportions of the group within the outer categories as was done in the earlier group instead of a prediction figure which would apply to very few cases only.

Summary

In Chapter 19 we combined certain factors in the offender's criminal history and social background to produce a score which we then related to subsequent reconviction and within four score ranges the proportions of offenders reconvicted varied from 60% to 92%.

When we applied the same scoring system to a new group of offenders released from preventive detention we found that the results failed to produce a similar gradient of reconviction according to the four score groups.

This failure to reproduce the earlier results was not due to the new offenders showing different characteristics or a different reconviction rate; we examined the four separate fields and discovered that the employment and psychological scores were no longer related to reconviction. Further examination isolated five separate items whose earlier positive (though slight) correlation with reconviction was not maintained.

Substitution of three slightly different items in the employment history and the addition of an item "number of different types of offences" in the criminal history field produced a closer relation to reconviction but alternative items in the psychological field made little difference.

When these modifications were incorporated in a new total score of adverse indicators we were able to divide the offenders about equally into two score groups one of which corresponded to the original groups I and II, and had a reconviction rate of 64% and the other, corresponding to groups III and IV had a reconviction rate of 84%. This was about the same level of discrimination as found in the original group although we were unable to discriminate within these two groups.

Weighted prediction scores gave no more consistent results than simple totals of items.

CHAPTER 22

SUBJECTIVE IMPRESSIONS OF THE WORKING OF THE ADVISORY BOARD

THROUGH the courtesy of the Chairman of the Advisory Board and the Prison Commission one of us was able to attend two meetings of the Board, one being at Nottingham Prison, where on the whole the better class of preventive detainee is sent, and the other at Parkhurst.

At Nottingham three men from the eleven interviewed were allocated to third stage. At Parkhurst there were only three out of 25. These percentages are within the normal limits for the proportions placed on third stage during the last five years.

These visits enabled us to fill in a number of gaps in the purely statistical information which we have so far analysed.

In this section it is necessary to adopt a rather different approach from that adopted in the other parts of the study because the subjective observations are not amenable to statistical treatment. When studying any kind of interview situation it is necessary for the observer to be outside its work and, because he is not psychologically involved, certain aspects of the interactions of the members and the person interviewed perhaps become clearer than to those taking part.

Some of the comments which may perhaps be regarded as criticisms of the working of the Board are not directed at the present Board and the way it functions but are common to any interview situation.

From the moment that the Chairman addressed the prisoner as Mr. . . . and from the tone of his opening remarks which made it clear that the Board was there to give full consideration to the prisoner's special case, the prisoner must have been favourably impressed. Yet even with the Chairman's experience in putting the prisoner at his ease the situation is a considerable ordeal to the prisoner, as any applicant interviewed for a job knows. In the case of a prisoner who had probably never before (apart from his trial) been before such an august body this is even more marked and in some cases one could see the strain in the prisoner. On the other hand, a number appeared to be completely at their ease.

As a result of these visits we have modified our interpretation of the analysis of the factual records in certain respects.

If the offender is to be interviewed then it is right that the Board should take note of the general impression created by the offender and not confine itself to evidence which could be analysed from records alone. The interaction of the offender and the members of the Board, or, more particularly, those members who take an active part and whose comments or opinions sway the "neutrals", would require a special study on decision making. As the Board works at present, it is open to any member to put forward his own opinions and the strength of the individual's convictions and his self-confidence or determination in persisting with them will determine how far he attempts to convince or persuade others to his opinion. His status in the group and the personal relationships which have been evolved at previous meetings of the group will interact in a complex way to determine the group's decision. The

chairman decided the procedural aspects and the timing of the interview to a large extent but he did not play a particularly prominent part in the decision process. The factors which influence the decision may, in any interview system, stem from highly irrelevant accidents, so far as the offender is concerned. The offender's own ability to present his case in the most favourable way will also affect the issue.

It is possible to study statistically the final decision of the Board in relation to the future progress of the offender in terms of employment, social adjustment, evidence of criminal behaviour, or any other criterion, after taking into account certain of the offender's characteristics. It is, however, extremely difficult to assess the part played by the interaction of the members of the Board and the offender. The Board may, and in many cases does, upset all the prior factors which are generally considered to be favourable or otherwise.

The Board's decision to place the offender on third stage appeared to be determined by the special circumstances which applied in particular cases at Nottingham, but at Parkhurst a more general policy seemed to emerge.

In the first place we had already recognised that the criterion, likelihood of a further reconviction, was not the sole one on which the prison staff made their comments (although this was the most common basis). Some of the officers making the reports appeared to be in doubt about the relations they were expected to assume between prison behaviour, prognosis and their recommendation for third stage. For example, some thought that the prisoner ought to be put on stage because his behaviour had shown signs of improvement and he had tried to make a satisfactory kind of life for himself in prison. Others thought that he would be likely to have help from his wife or from friends when he left prison and he ought, therefore, to be placed on third stage. Still others thought that the social training and increased freedom and responsibility of third stage would be likely to have a good effect on the offender and that, therefore, he ought to be given the opportunity. There were also a few references to the length of sentence the offender had been given, implying that as the offender had already served a long time in prison he might, in these circumstances, be given an earlier release.

We found that the Board itself was experiencing a similar difficulty. The reason for this is that two different aspects are involved. First there is the question of time of release. Obviously one would not release offenders early if they were likely to be a danger to the public. At the same time, the special training and hostel experience associated with third stage represents a different aspect and one which the Board cannot, at present, prescribe without the decision also entailing early release. Two examples of the way in which these different aspects conflicted can be shown from among the cases before the Board.

The first case consisted of a man with a bad record whose offences followed closely upon previous treatments, including corrective training and were nearly all committed in his home town; he was considered by the Board to have little prospect of keeping out of further trouble even if he left his home town, and was thought almost certain to fail if he returned to it. It turned out that if the offender was placed on third stage, he would live in a hostel in the town where he was serving his sentence and be found employment there. If given this opportunity, he proposed to move his wife and family to the area and settle there. Notwithstanding the generally bad prognosis and scepticism of the

outcome by some members of the Board, it was considered a chance worth taking. Whatever happened, the offender was considered likely to do less badly than if he remained in his home town. He was therefore selected for third stage. The offender could not be regarded as having a better chance than other offenders, but third stage was presumed to be the best course for him.

The second case consisted of an offender who also had a bad record and had several offences taken into consideration at his last conviction. He interviewed surprisingly well considering that he had a stammer, and he appeared to show some insight into his problems. The members of the Board appeared to be rather divided about what course to take, until it was suggested that, as the man ought to have some speech therapy whilst in prison it would probably be to his advantage to remain in prison for the five-sixths of his sentence. He was therefore not allocated to third stage.

Other cases were allocated to third stage or not chiefly according to whether the impression they gave at the interview strengthened or contradicted the view the members of the Board had formed from the written evidence before them as to how likely the offender was to be reconvicted. Many offenders were of too low calibre to undertake any but the most unskilled jobs for which special vocational training seemed quite unnecessary. In such cases the time before release appeared to have little influence on the decision and the offender usually remained in second stage.

At Parkhurst, one offender serving a 14 year sentence was placed on third stage; he had a history of serious offences, one of which was described as "violence endangering life" but he had far fewer petty offences than the average preventive detainee. In this case the report of the prison staff that the offender had shown a genuine change of attitude and conduct in prison after serving four years of his sentence was largely responsible for the Board's decision. At interview the man spoke with obvious reluctance about his "conversion" which appeared to date from an occasion when his mother told him that she would rather see him dead than in his present position (serving a sentence of preventive detention). This comment, in his own words "did something" to him and made him realise the depth to which he had sunk. The prisoner was a tough character who had been reported for fights with other prisoners even after his change. These were mainly because he was prepared to go all out to make something positive out of prison life and keep out of any rackets within the prison. He had taken City and Guilds examinations to prepare himself for his still distant date of release. The Board's decision meant that he would be released nearly two and a half years earlier than if he were left in second stage.

One of the two other prisoners placed on third stage was a man with a fairly bad record who had previously had trouble with his wife but was now reconciled (however she did not visit him because she lived too far away). The deciding factor was the prison staff's report of his efforts whilst in prison and the hope that his wife would be a stabilising influence. The third prisoner to be placed on third stage was atypical of preventive detainees and of Parkhurst in particular because he was educated at a public school and had committed no offence before the age of 26. He had not kept in touch with his family, largely at his own wish. His father had died and left him some money which his solicitor would make available in small amounts after his release (he had

previously had bouts of alcoholism and probably feared the effect a large sum of money might have on him). When the period on licence was completed he proposed to emigrate to Canada which would "at least provide a fresh start". This man obviously had the intelligence and training (as an engineer) to make a success of himself. One member of the Board thought that if he was going to return to drinking it would probably occur whilst he was at the hostel (one wasn't quite sure whether this meant that it would be easy for him to receive treatment or that hostel life would show whether he was likely to fail and if so it would be easier to apprehend him than if he returned to crime following release from the five-sixths of his sentence).

It was noticeable that the members of the Board considered the offender whom they regarded as "inadequate" to be unsuitable for third stage. An offender whose offences consisted entirely of petty fraud or larceny, especially if he was old and would have little prospect of obtaining regular employment was left in the second stage with very little further consideration. (The time spent on the interview was inversely related to the offender's age.) Frequently a comment such as "it's a pity to send him out" or "you can't send a man like that out" (referring to old age or low mental capacity) was made. The offender was often referred to as being "quite happy here" or "as well off where he is". The implication behind these remarks is that the Board puts off the day when such offenders have to be released. For the very old and untrainable offender this is a real problem. However, there was no suggestion that the less reclaimable offenders might be those for whom hostel training with its gradual transition to fully responsible living might be most suitable, whether or not this entailed early release.

Inadequacy in crime as well as in living might be considered to be the very basis on which training and rehabilitation ought to be recommended.

The current tendency is to attempt to assess which offenders are most *capable* of profiting from their past experience and this largely determines the length of sentence and whether the offender will receive hostel training or not. The risk that any subsequent offences committed by the group put on third stage might be more serious than those of the "inadequates" did not appear to weigh much with the Board—unless the case of offenders with homosexual or heterosexual crimes in their history (whom the Board appeared to regard with much the same attitude that other prisoners adopt towards such offenders)—can be regarded as an exception. Generally, if an offender had committed fairly big crimes this was regarded as a promising sign of "guts" or intelligence or both and, as such, it was taken as favouring early release rather than otherwise, on the grounds that any positive features indicated more potential for future rehabilitation than total inadequacy.

It would be interesting to set up an experiment in which, instead of the current method of selection with its emphasis on positive features in the offender's background and what may be described as an "anti-inadequacy" attitude, the selection was based on the *need* for training. Factors which at present tend to debar an offender from being put on third stage would be used to select the men for training, whilst the time of release on licence would be determined by the degree of self sufficiency attained by the offender under training. In order to avoid trouble through the offender feeling that he was being detained only at the whim of the training staff, a recommendation of special hostel training

would normally be coupled with a decision that the offender should remain in training for five-sixths of his sentence unless his progress was such as to merit earlier release. The relation between length of sentence and type of training would be virtually the reverse of the current one but there would be nothing to stop the Board recommending early release as, at present, for certain offenders if it so wished.

An experimental trial under a new system of selection for one or two years would still lead to difficulties in evaluation because, in addition to a difference in the type of offender given hostel training compared with the present system, the training itself would have to be modified to cope with the different needs of the group. Instead of the current proportions of less than 20% of preventive detainees being placed in hostels, the position would be about reversed, with up to 20% being released (usually after serving two-thirds of their sentence) *without* the need to go through a hostel. Hostel facilities and the amount of accommodation would therefore have to be modified considerably.

Some members of the Board were evidently rather concerned that the remainder of the "treatment" which the older "inadequates" of the five-sixths group would undergo, would be simply a prison sentence. This they thought was not a very adequate way of dealing with these offenders but the alternative of two-thirds sentence and the present hostel system would be even less appropriate since the men were probably incapable of profiting from hostel life and the type of training course offered. (In one case only at Parkhurst an offender was recommended for transfer to another prison where the hut system* was in operation for five-sixths sentence men.)

The role of the Board would be made easier if the question of length of sentence and the treatment to be given were to be separated. Opinion among members of the Board was divided as to whether preventive detention should have its present limited indeterminacy. If this should continue it would be possible to lay down a number of factors on which the amount of remission could be based and it might not be necessary to interview the prisoner for this purpose.

It would also be possible to deal with the problem of what special training an offender ought to be given, in a similar way, by setting out those factors which are considered to be relevant and by including an interview if this was also considered desirable. The characteristics which might be relevant are such as the following:—

1. Suitable intellectual level for special forms of training.
2. Need to separate offenders from previous environment.
3. Special difficulties of rehabilitation in relation to job seeking, management of offender's practical living problems, relationship with his employers, work-mates and parental or marital ties.

* According to "*Prisons and Borstals*", 4th Edition, 1960, page 49, para. 21,

"Those prisoners who are not selected for third stage are transferred to huts in the grounds of Nottingham and Chelmsford prisons for the last six months of their sentence. They are given the opportunity of working, as a party and under supervision, outside the prison, and in company with members of the staff are able to attend cinemas and sporting events in the neighbourhood."

This provision applies only to prisoners serving their sentence at Nottingham and Chelmsford prisons. Prisoners at Parkhurst must be specially allocated to those prisons if they are to have a similar training.

Each of the above factors could be assessed and recorded in addition to the offender's criminal history and it would then be possible to make a study of the relations between these factors and special training so that the procedure could be refined and improved.

Instead of the Board having to select between two alternatives (two-thirds sentence with hostel training or five-sixths sentence without), on the basis of unformulated criteria and using such part of the total information put before it as it thinks fit, the Board's function might be to add to the basic prognosis by giving points according to the interview impression and any new evidence that might come to light through the interview.

It would be possible to use a scoring system such as that provided by a prediction study either in relation to the length of sentence to be served or the type of training to be given, and the Board's allocation of points or grades based on its interview findings could be incorporated in the prediction equation.

The extent to which the Board would affect the length of sentence to be served would be more limited than at present but it would not have the problem of weighing factors in the offender's criminal record against his promises or protestations at the interview.

Until such a system has been tried it is impossible to say whether it would be an improvement on the present or not. Its main advantage, however, is that it is capable of being assessed and modified. A continuous validation of the factors on which the system is based could be applied and the system would then be modified whenever a study of reconvictions or training criteria (e.g. the extent to which the training course was actually used in the kind of employment undertaken after release) showed this to be necessary.

In some respects the Board's decision undertakes the function of a second trial in so far as it determines the length of sentence which the prisoner will serve (within the limits of two-thirds or five-sixths of the initial sentence). The information on which the Board acts is wider than that available to the court but it is used in very much the same way in deciding how long it is necessary to keep the offender in custody.

The information which is most closely related to the risk of further conviction is the offender's previous criminal history (and this was available to the court). Any prediction system for measuring the risk of reconviction must, therefore, be based largely on the sentencing factors.

One old offender interviewed by the Board at Parkhurst showed rather pathetic bewilderment when he was told "the Board see no reason why you should be released early and you will, therefore, remain in the second stage". He asked why this should be since he had behaved himself well in prison. This shows the prisoner's reaction to the Board; it was interesting to note that this particular offender either had not been told beforehand or at least had not understood that the Board was not concerned with remission for good conduct.

There is no reason why a limited form of remission should not be retained as an incentive to good behaviour. It would have to be administered by the prison independently of the Board. This might satisfy the prisoners and it would certainly make it easier to distinguish the Board's activity from one of granting remission.

These observations apply to preventive detention and the activity of the Advisory Board under its present terms of reference. Offenders currently sentenced to preventive detention differ widely in their social characteristics and criminal histories and the same problems would have to be faced in determining the most suitable form the treatment should take whatever sentence was passed on these men. The problem of the most appropriate points at which the treatment should begin and end would also have to be faced.

We have made suggestions arising from the statistical and other evidence on the working of the stage system and the present analysis could only be made because there was written evidence to set against various criteria; whatever alternative treatment may be substituted for preventive detention or whatever new forms preventive detention may take in future, it is hoped that the requirements of research by which its effectiveness can be tested will be kept in mind.

Summary

This chapter is concerned with the subjective impressions formed when one of us attended meetings of the Advisory Board, one at Nottingham, the other at Parkhurst. The statistical evidence on the Board's decision has already been dealt with.

The Board provided an opportunity for individual circumstances to be taken into account in a way which could not be done from records alone in selecting offenders for third stage. Its decisions were based on subjective impressions which the members had arrived at as a result of reading the prison report and questioning the offender. (Some observations on the shortcomings of these reports for the purpose have been made already.) As with most group decisions the interactions of particular members tended to sway the Board on occasions and these together with the offender's ability to present his "case" and the mood or climate at any moment might not always be the most relevant for deciding a man's future.

The chief difficulty was that the Board was placed in the position of attempting to reconcile two opposing considerations, suitability for hostel training and suitability for early release. The Board was further handicapped by not having any guidance on the factors which lead to reconviction or any evidence to suggest which men would benefit most from hostel training.

At Parkhurst especially, the Board tended to select for third stage those men who had the most "positive" features (in the widest sense including crime) and to leave in second stage those who were "inadequate".

The question of whether the latter are most in need of hostel training did not seem to arise nor was the risk of the *type* of offence which an offender might commit taken into account generally.

It is suggested that:—

1. The two decisions on length of sentence and form of training should be dealt with separately by the Board.
2. The Board's interview results might be graded and added to a statistical evaluation of the records in deciding these questions.

A rather more far reaching proposal is that offenders should be dealt with on a type classification so that the length of sentence and form of treatment might be decided accordingly.

DISCUSSION AND CONCLUSIONS

THIS analysis of the characteristics of offenders sentenced to preventive detention in comparison with those of liable offenders given other sentences has been made with the twofold purpose of describing the kind of offender who is sentenced to preventive detention and, at the same time, of attempting to assess, by objective criteria, the policy pursued by the courts in their sentencing.

Certain characteristics are common to all liable offenders and differentiate them from other persistent offenders by virtue of the statutory criteria of liability to preventive detention. Although liable offenders are not necessarily the most persistent offenders, since the qualifying number of offences is fairly small, they do in fact include a very large proportion of the most persistent offenders before the courts. This was shown clearly by the comparison with other persistent offenders in Table 1; the other distinguishing features of the liable group as a whole were the predominance of offenders aged 30-39 and of breaking and entering offenders. The particular offenders sentenced to preventive detention stand out as those who possess two of these three characteristics to the most extreme degree. That is, they are the offenders with most previous offences and they include a still higher proportion of breaking and entering offences than other liable offenders. Other factors which one would expect to be adverse, such as the number of offences which the offender has asked to be taken into consideration, the number of current offences of which he is convicted, the shortness of time since committing his last offence and, to a less extent, the value of the property involved in the current offence, all increase the chance of the offender being sentenced to preventive detention. Less emphasis than one might expect was placed on the previous treatments which the offender had received (apart from a previous sentence of preventive detention which resulted in a high proportion being given a further sentence of preventive detention). In part, this was due to the close relation between the types of treatments and the total number of offences committed which we had already included in the analysis. The current offences of liable offenders rarely involved violence or sexual offences but even when they did, the offenders were not usually sentenced to preventive detention. Larceny was, next to breaking and entering, the most common offence for which offenders were sentenced to preventive detention despite its being relatively the least vulnerable (i.e. having the lowest *proportion* sentenced) simply because there were so many larceny offenders among those liable to preventive detention.

A simple aggregation of the adverse factors served to account for the sentencing remarkably closely. (A regression analysis* also showed that the weights to be given to the different factors were very similar to each other.) There was, however, a tendency to sentence the offender to preventive detention more often than would be expected from the individual factors when many were found in combination. A very high proportion of the sentences given could be predicted when the interaction of these factors was allowed for, as, for example, in considering the group of fraud offenders with many previous convictions and offences taken into consideration or the differential effect of time at liberty since the last offence according to the presence or absence of offences taken into consideration.

* The regression analysis has not been reproduced because it added little to the other analyses.

Whilst the analysis showed that the courts tended to sentence to preventive detention those offenders who had the worst criminal histories rather than those who had committed the most serious current offence, Norval Morris's results showed that offenders sentenced to preventive detention had the most adverse social factors and this was supported by our later analysis of offenders released from preventive detention. We cannot say whether the courts took adverse social factors into account explicitly when sentencing or whether it was because of the association between these factors and bad criminal histories that the offenders were given preventive detention. It is likely that, in many cases at least, the latter was the real reason, because detailed social information was not always available to the court. That such information ought always to be before the court seems an elementary requirement. The Streatfeild Report makes an important recommendation to this effect.

The factors which determined whether an offender was fined, placed on probation or given a short, medium or long sentence of imprisonment were quite different from those involved in sentencing the offender to preventive detention or alternative penalties. Here the nature of the current offence and the age of the offender rather than the previous history of offending had greater weight. Sex or violence offenders, offenders with more than one current conviction or with offences taken into consideration and offenders whose offences involved the largest amounts received the highest proportions of sentences of imprisonment and especially of the medium or long sentences. However, there was much greater variation within the sentence groups, and the patterns were less consistent, as well as being different from those shown in relation to sentence of preventive detention.

The social information which we have obtained for a sample of preventive detainees and the findings of Norval Morris on the early preventive detainees and habitual offenders showed that these persistent offenders could mostly be classified as failures in their mode of living generally. They had failed to establish satisfactory personal relationships in marriage and they also had extremely bad work histories and a large proportion of the offenders had come from extremely poor homes.

The criterion which makes an offence qualify for preventive detention, namely, that it should carry a maximum sentence of at least two years' imprisonment, is relatively light in the scale of maximum penalties. Hence some offenders who have never committed a serious offence become liable to preventive detention.

We found that in some ways the offenders sentenced to preventive detention are less of a danger to society than many given long term or other sentences of imprisonment; many of the preventive detainees' current and also past offences are quite trivial and these offenders include very little violence among their offences.

However, the key to sentencing to preventive detention does not lie in the nature of the qualifying conditions at all, because so few of the offenders who qualify for the first time are sentenced to preventive detention (under 5%). Indeed, less than 13% of the offenders who are at any time liable are actually sentenced to preventive detention (despite one-third of the offenders having committed at least three indictable offences after they first qualified). It is thus evident that liability to preventive detention generally carries only a small

risk of the offender being given such a sentence. (One wonders if liability to preventive detention might not have more deterrent effect on a potential offender if the criteria of liability were such that a higher proportion of those who qualified were likely to be sentenced to preventive detention.)

Another consequence of using criteria of liability which apply to a large number of offenders is that they enable offenders of quite different types to be included. The suggestions we have made for modifying some of the criteria of liability so as to eliminate certain groups, would, if adopted, mean that sentence of preventive detention would be given to a more homogeneous group of offenders than at present. This would make it easier to decide on the form which the sentence should take.

The probability of further reconviction of preventive detainees or liable offenders (75% or over) is very high and these offenders therefore constitute a nuisance out of proportion to their numbers.

The evidence shows that nearly all liable offenders have been given progressively increasing prison sentences during the past and these have proved ineffective in so far as they have not reduced the rate of offending appreciably. In Chapter 13 we have given an indication of the amount and seriousness of the offences which would have been expected to result if the offender had not been prevented by the sentence of preventive detention.

Although the total effect of these offences is slight in terms of the loss occasioned to the victims of the offences, the work involved in tracing these offenders and dealing with them may be considerable. Whatever else may be said for a sentence of preventive detention, it does keep an offender from committing any further offences for a long time and other sentences given to liable offenders appear to have failed to keep them from offending for substantially longer than the period actually spent in prison.

Despite the small proportion of the liable offenders sentenced to preventive detention, preventive detention becomes a problem of some practical importance simply because it lasts so long. The magnitude of the problem can be gauged from the fact that the number of man-years of confinement served by prisoners undergoing preventive detention since the 1948 Act is approximately 12,000 and a substantial part of the four prisons is required to house men currently serving sentences of preventive detention.

Our analyses have shown that amongst preventive detainees and liable offenders given sentences other than preventive detention, the factors which were found to be related to the court's sentences were not closely related to later recidivism.

The amount and seriousness of the crime which these liable offenders might be expected to engage in if not kept in custody has been estimated; apart from a few very exceptional offenders it was not very serious. It would seem that if prediction methods were used fully, it should be possible to select those offenders who are most likely to be responsible for extensive or serious criminal activity and, by subjecting this group only to long term custodial treatment, to reduce the amount of further crime at the minimum expense to the State.

We have been able to differentiate groups whose probability of reconviction is about 60% and those who have a risk approaching 90% and in the latter group there was also a tendency for reconviction to occur earlier. This consideration ought, presumably, to influence the type of sentence given.

At the present, the reconciliation of two functions of sentencing, namely the reform or training of the offender and the protection of society, is made more difficult by the variety of types of offender given preventive detention. The analysis shows that there are three broad types of offender so selected. There are the housebreakers who are generally professional criminals in their 30's or 40's: their offences can be regarded as serious in themselves, both for the loss and hardship they occasion and because the offences may lead to more serious acts if the offender is disturbed in the course of committing his offence. Then there is the group of violence or sex offenders and serious larceny or fraud offenders who manage to make away with large sums of money. This group is numerically small. A third group consists of the persistent petty thief or false pretence offender who is often quite old and who has failed to make a satisfactory adjustment to life generally. He has few ties, he holds a job for a short period only, he tends to have no roots and lives from day to day in hostels, lodging houses or on the streets, and he tends to be a drain on the social services whether in prison or not. Moreover he has been in and out of prison most of his life and appears to be better adjusted to prison life than to any other. It would seem fairly obvious that these three types of offender cannot be dealt with satisfactorily by one form of sentence. There is a need to protect society, especially against the first two groups, but the danger from the third is probably slight. If these groups can be distinguished by their history of offending, it should be possible to allocate sentences which are more closely adjusted to the offender's particular needs. The last group should be fairly easy to distinguish, in so far as an offender who has spent a number of years committing petty offences involving amounts under £5 is very unlikely to commit an offence of a quite different order of seriousness. We have found that some offenders begin by committing simple larcenies of a not very serious kind and then "graduate" fairly early to breaking and entering. This represents a real danger for offenders up to the age of 40, but for the older offenders of the kind we are considering there is little risk of such a change happening. (In passing, one wonders whether the offenders who had previously committed these rather unsophisticated types of crime, might not have learned the technique and changed to housebreaking through the influence of more sophisticated types of offenders whom they may have met during their sentences.)

There is some danger of preventive detainees being regarded as the dregs of the criminal population for whom there is little hope save to keep them away from society (as indeed is implicit, to some extent, in the nature of the sentence). Yet only a small proportion of offenders sentenced to preventive detention had ever been given corrective training, many had never received any other treatment than imprisonment and for two-thirds, probation had never been tried. Taylor found too, that the intelligence and abilities of preventive detainees were normal and many had "more than average potential".

However intractable the problem of the persistent offender may be, it is nevertheless true that the number of offenders given sentences of preventive detention forms only a small proportion of the total number of offenders possessing the adverse factors making them eligible for these sentences. This means that there are a large number of offenders who possess many, and in some cases, all the characteristics which the offender sentenced to preventive detention exhibits and yet in these cases alternative sentences have been tried. For these groups, therefore, more hope is implied regarding their treatment

than for those given the sentence of preventive detention. The courts have even seen fit to put a small percentage of the liable offenders on probation for the current offence despite the fact that some of them had long histories of crime. This is, of course, a matter for the courts to decide, but the increase in the number of successful appeals against sentence of preventive detention in recent years suggests that there is a movement already in this direction. It is therefore most important to see how these men have reacted after release compared with those sentenced to preventive detention and we propose to make a special study of this group when we analyse offenders' criminal histories in detail from the charts.

When men have been in and out of prison most of their lives, it seems rather unrealistic to expect them to change their mode of living dramatically and never offend again. A more appropriate test is whether these men remain out of trouble for a longer period or commit less serious offences when given preventive detention than other penalties. This was not found to be so, since the reconviction records subsequent to preventive detention and other sentences are similar. One encouraging aspect of preventive detention was that the offenders who were reconvicted after serving such a sentence tended to offend at a slower rate than the 1956 preventive detainees showed before they were given their sentence of preventive detention. (Although it is possible that this may merely reflect a tendency for older offenders to be reconvicted at a slower rate.) We have no evidence of any marked deterrent effect of sentence of preventive detention in so far as the interval before and after an offender was at risk of being given such a sentence were not substantially different.

Research into the effect of the long confinement on preventive detainees' outlook and fitness to enter society again is urgently needed. Reconviction figures produced by the Central After-Care Association showed that preventive detainees with one-third of their sentence remitted—and for whom more active attempts at rehabilitation are made—appeared to be somewhat less affected by "institutionalisation" than those who served five-sixths of their sentence, in so far as a bigger proportion survived the transition period after release. It is unlikely that these offenders represented a selection of the lower risk groups as their reconviction rates were substantially the same over a period of three years.

We have suggested that one of the reasons why the results of preventive detention as a treatment are in general not conspicuously successful compared with the alternative (and cheaper) forms of treatment already used for a large part of the liable population, is because such different types of offender are included. Any projected changes in the nature of the qualifying conditions or in the sentencing policy towards preventive detention will necessarily affect the aims and conditions of preventive detention as a treatment. Clearly we can only conjecture what changes may be made and what effect these would have on the men selected for sentence of preventive detention and therefore on preventive detention as a treatment. We can, however, consider the trends which appear to be emerging from the outcome of certain appeals cases discussed in Part I.

If we suppose that the offender's age, employability and social adequacy in addition to his type of criminal history determine the degree to which he is capable of being rehabilitated and fitted into society by his sentence, then it would be logical to provide a positive form of training for the younger and

better educated type of offender, whatever kind of offence he had committed. Up to the age of 30, corrective training is intended to be directed towards reclaiming this type of offender. The Lord Chief Justice in giving the judgment of the Court of Criminal Appeal at recent appeal hearings of offenders sentenced to preventive detention during their thirties seems clearly to indicate that the court now considers that this age is too young for preventive detention and that more reformatory methods of treatment may be more appropriate. If the age of qualification for preventive detention were to be raised to 40 this would at the same time remove a large proportion of housebreakers from sentence of preventive detention. The remaining liable offenders aged 40 or over, consisting largely of larceny or fraud offenders, would be those for whom the prospects of rehabilitation might be less promising (especially in relation to obtaining employment) although their need for such training might be greater. If, at the same time the current offence ought to be of a fairly serious kind before sentence of preventive detention could be given, instead of the present requirement of one carrying a *maximum* sentence of at least two years imprisonment (again as suggested by the results of recent appeals against sentence of preventive detention), this would eliminate a large proportion of the persistent but relatively petty kind of offender who is generally classified as "inadequate". This group at present makes up a large proportion of those sentenced to preventive detention and whatever alternative sentences were given, the findings suggest that these men's needs are relatively little concerned with security and more concerned with supervision, rehabilitation and help towards economic self-sufficiency and integration into the community. The current system of preventive detention does little to solve the problem posed by these men.

Judged by the kind of offender included in the research study, the residue which would be left if new criteria of age and seriousness of offence were introduced, would consist largely of the older and more criminally sophisticated section of persistent offenders. On the whole this group is one which at present tends to be given penalties other than preventive detention, notably long term imprisonment (this sentence is also used frequently for the kind of persistent offender who commits a serious offence but who has not, however, been previously convicted on indictment or received sentence of imprisonment often enough to qualify for preventive detention). The large number of older "inadequate" type of offenders who have become habituated to prison life would remain outside preventive detention. At present if such an offender is not sentenced to preventive detention, he tends to be given repeated short sentences of imprisonment and presumably this tendency would be extended. (Our results do not lead one to regard such a prospect with favour, however.)

Alternatively, if the aim of preventive detention is to protect society from this "inadequate" group, then long-term imprisonment might be the more suitable penalty for the comparatively serious offender and some other socially orientated treatment, whether called "preventive detention" or by some other name, could be designed for the inadequate group. (This would be analogous to current ideas on treatment for mental patients who tend to become "institutionalised".)

A reduction in the wide variety and types of offender at present given the same sentence is possible by narrowing the conditions of liability or by the courts being more selective within the wide range of qualifying conditions which apply at present. Alternatively, the Prison Commission could bring this

about by selecting the different types of offender to serve their sentence in institutions adapted to their special needs. This is done to a very limited extent at present in the allocation centre where offenders are selected for Eastchurch (older offenders), Parkhurst (poorer type of offender), Nottingham or Chelmsford (better type of offender) and by the Preventive Detention Advisory Board in allocating offenders to third stage (with hostel training) or not.

Although this report is concerned primarily with that section of the male criminal population which is liable to preventive detention, it is likely that many of the characteristics shown by this group will also apply to persistent offenders in general, since there appears to be no clear cut divisions between different groups of offenders. The offender who becomes liable to preventive detention, and even more, the small proportion of such offenders who are actually sentenced to preventive detention, can be regarded as near the end of the criminal progression rather than as special groups differing in kind from other offenders. In a sense, the preventive detainees represent the failures of all previous treatments and thus they form the hard core of recalcitrant offenders.

There are, therefore, two considerations to bear in mind; one is the extent to which the characteristics shown by the group are also likely to apply to other persistent offenders who are not liable to preventive detention, and the other is the specific nature of the group, created largely by the criteria of being liable to preventive detention.

The social and criminal information on persistent offenders of Morris's 1946 offenders and currently liable offenders suggests that there has been relatively little change over a decade, or longer. We might liken the situation to that of an iceberg in which the minority of liable offenders sentenced to preventive detention is equivalent to the part of the iceberg above the surface. The problem will not be removed by dealing only with those sentenced to preventive detention any more than an iceberg can be cleared by removing the visible part.

We can now consider the bearing of the results of the investigation on the work of the Advisory Board. In a certain sense the Advisory Board can be regarded as a further sentencing body. It can make a difference to the length of sentence to be served of up to two and a half years and it can, within limits, determine the type of treatment that the offender will receive for the remainder of his sentence.

Many of the considerations which applied to the sentencing of liable offenders in the first place applied to the working of the Board also. We have studied the factors which influenced the Board's decision; these factors covered the information on the offender's criminal history which was available to the court when sentencing and, in addition, information on the offender's social circumstances, his reaction to the sentence and the staff prognosis of his future prospects. We have also related the factors governing the Board's decision to the offender's progress after release from sentence.

Our analysis indicated that one of the difficulties facing the Advisory Board, when considering the offender's suitability for third stage, was that they were faced with the problem of reconciling two different aspects: whether the offender is thought to be likely to benefit from hostel training and how soon the offender ought to be released. This difficulty is also one which increases the problem of research into the effectiveness of the two-thirds compared with the five-sixths

sentence and hostel compared with other training. What limited information there is on hostel training is insufficient to show that it is either superior to or inferior to the ordinary custodial form of treatment.

The present research shows that, if the aim of the Board was to select for early release those offenders who were least likely to offend again, it has failed to do this. The prison staff who were asked to advise on this point also failed to select these men and, although the information given to the Board from the prisons to help it reach its decision contains sufficient information to enable a more adequate prognosis to be made, the information is in such a form that the Board was not given adequate guidance. This was mainly because no rigorous analysis of the relations between the various factors and subsequent reconviction has been made before the present research. It is now possible to indicate an offender's risk group, or at least to indicate whether he is likely to commit a serious offence in future, from his social and criminal history, and it is hoped that if a similar procedure of selection for third stage or for some other form of differential treatment is applied in future it will take account of research findings.

Adequate information is not available at present to decide which types of offender are most suitable for hostel training or to evaluate this form of training compared with any other form, partly because hostel training is tied to selection for third stage and early release. We have suggested that the best way in which research into these two aspects can be furthered is to dissociate them and base length of sentence on some statistical evaluation of the offender's vulnerability.

The methods of analysis used in Part II are applicable to subjective assessments or qualitative judgments concerning any offenders and together with the more objective information about criminal histories, such data could in future provide a basis for classifying offenders and deriving a scoring system which could be used progressively to refine the sentencing and treatment policies and this is one of the main aims of the present study.

METHODS OF ANALYSIS

THE present study of offenders liable to preventive detention is essentially a statistical one which, since it is based on a complete year's sample of all cases of the class does not involve any adjustment to arrive at total figures. Moreover it is based on recorded information whose reliability we must, to some extent, accept on trust. However, such checks as we have been able to apply to the recorded raw data and to the derived grades which we have produced from subjective statements, indicate that we can safely apply reasonably sophisticated analysis techniques.

The first problem involves the calculation of the combined effect of factors in the criminal history on sentence of preventive detention in Part I and on reconviction in Part II. This necessitates calculating the net relations between various factors and the two criteria. The individual relations between the number of appearances or other factors and sentence are shown directly by the proportions of offenders possessing the characteristic who were sentenced to preventive detention. However, these relations may be direct or through the association of other conditions. For example, if the percentage sentenced to preventive detention is set out according to the offender's number of appearances, the increase in proportion sentenced as the number of appearances increases may be because offenders with many appearances have also committed the most serious types of offence. In order to combine the effect of this and other factors on sentence or reconviction we require to know the net effect of each factor, without the "contaminating" effect of others. There are various ways of doing this. One method is to match sub-groups against each other, so as to compare offenders with like characteristics in all but the one characteristic which we can vary and hence note its effect on sentence or reconviction. This matched control method is the most direct. Matching individuals is not usually possible except for a minority of the offenders and it is therefore a rather wasteful method. However, group matching, that is selecting groups whose *total* frequencies of the remaining factors are the same, can be effected more easily, though it is less rigorous.

If these selection methods are not possible for holding constant all the factors we are interested in, we have to use some form of statistical adjustment. One method is to allow for differences in the proportions of various factors when studying a particular item by artificially weighting the groups so as to give the sentence or reconviction figures that would result if the groups had the same composition in respect of these factors. If, for example, there are twice as many offenders who possess some characteristic, such as a long time at liberty before the current offence which has a low proportion sentenced (or a low reconviction rate) associated with it, in Group A, as there are in Group B, then we would multiply the results obtained for offenders with this characteristic in Group B by a factor 2 to make them comparable. In other words, we calculate the sentence or reconviction *rates* for the different factors in the two groups and instead of multiplying them by the actual numbers in the groups, we multiply them by the same proportions. In this way we produce the figure that would result if they had the same composition. We used this method when we analysed factors in relation to the court's sentence, for all liable offenders in Chapters 1-7 and we have used the method elsewhere to calculate the expected reconviction rates for different groups of offenders.*

This procedure is analogous with that applied to death rates. Age/sex mortality rates are calculated for a standard period and these rates are then applied to the

* Research Studies on Scottish offenders. (Unpublished Research Unit Reports.)

sex/age population obtaining at the period under consideration. The standardised mortality ratio is the actual number of deaths expressed as a percentage of the expected figure which would be produced if the rates for the standard period operated in the age/sex population of the year of experience.

We can therefore refer to a *standardised reconviction ratio* and define the term as "the actual number of reconvictions as a percentage of the number of reconvictions which would result if the reconviction rates for the standardising factors were applied to the composition of the group under consideration."

We must now consider one further complication; namely that in calculating the net effect of an item such as the number of appearances in the way described we have substituted a trend instead of the actual number of sentences associated with different numbers of appearances. In those cases where a straight line relation approximates closely to the observed relation we have used this function. The reason for doing this is that we are interested in the *general* relation between the factor and sentence and by using this we have eliminated chance fluctuations (in technical terms we have also removed only one degree of freedom).

We have combined different factors by setting out the separate relations in a two or three way table and we have then compared the actual distribution of sentence in the different cells with the numbers that would be expected if these general relations were alone responsible. The method of calculation is analogous with that used in calculating expected frequencies in a χ^2 table except that we multiply sentence or reconviction probabilities instead of frequencies. In this way we can study the effect of interaction of different conditions.

The chief difficulty in this method is that it can only be applied to three, or at the most four, major factors for beyond this it becomes impossible to determine the net effect of any factor by the adjustment method described on page 45.

If the sub-groups differ qualitatively from each other or from the rest of the sample, we must calculate the expected proportions of sentences or of reconvictions in some other way. The multiple regression method and the production of an equation for estimating the criterion (or in the case of attributes, prediction or criterion score) enable us to do this. By calculating the offenders' criterion scores we can say how many sentences of preventive detention or how many reconvictions any sub-group ought to have, if the factors have the same relation to sentenced reconviction as in the whole group. With this knowledge, we can test whether any group has a sentencing or reconviction rate which differs from expectation. This concept is wider than those involved in the matching or standardisation methods above, as it assumes only that the factors should be equivalent in terms of sentence or reconviction and not necessarily identical in nature.

Definition of some terms used in prediction and standardisation methods

At this point it is as well to clarify a few of the terms that may be applied to prediction methods in the criminal field, since we cannot avoid using technical terms. Some of the concepts are new or at least their application to this field is new and may be unfamiliar even to people with knowledge of the statistical techniques themselves. The term "criterion score" or (following Wilkins) "prediction score" can be used to describe the amount of the criterion or factor being estimated, the term "prior probability" or "vulnerability" can be applied to the expected reconviction rate based on this score and the term "reconviction ratio" can be used to specify the relation between the actual and the expected reconviction rates:

$$\frac{\text{actual reconviction rate (or number)}}{\text{expected reconviction rate (or number)}} \times 100$$

whatever the method used to calculate the expected rate.

The supplementary terms "prediction reconviction ratio" and "matched reconviction ratio" can be used to specify the relation of the actual to the expected reconvictions when the expected figure, is based on a prediction equation or a matched sample respectively.

We have dealt with some of the practical problems involved in applying prediction methods to the present data in Chapter 19.

The most interesting point in relation to the theory of estimation is the nature of the criterion. This represents a major difficulty in what has come to be known as the prediction method. If we are attempting to predict (or rather estimate) a person's weight from his body measurements, for example, we can use the multiple regression method and derive an equation of the form:

$$\text{Weight (in lbs.)} = X \text{ times height (in inches)} + Y \text{ times shoulder breadth} + Z \text{ times chest girth} + \text{a constant.}$$

Where X, Y and Z are the weights (or multipliers) which indicate the number of units by which a person's body weight increases for every unit increase in the measurement concerned. But in estimating reconviction or sentence of preventive detention according to factors in the criminal history we cannot suppose that each increase in number of offences, etc., increases the *amount* of reconviction or contributes its quota to the *amount* of preventive detention sentence (once sentence is given it could affect the length, but before this point, it clearly is not possible to have a fraction of a sentence).

To overcome this difficulty it is necessary to consider groups and use as a variable the proportion of the group which is sentenced to preventive detention or reconvicted. Thus offenders with most previous convictions receive the biggest proportion of preventive detention sentences and also the highest proportions of subsequent reconvictions. To return to our analogy with weight estimation, the position in the criminal field is similar to one in anthropometry in which we had no measure of weight but could only use a counter-balance which tipped at a certain stage. If the balance were applied to groups of individuals, the taller or broader or bigger the individuals, the greater would be the proportion of the group who tipped the scales. Under these conditions we couldn't directly *measure* weight but we could *infer* its measurement. Thus, although we couldn't say from the particular body measurements of an individual that he would necessarily tip the scales, we could assign a probability that he would do so, namely the proportion of his measurement group who tip the scales. If this probability is high we could talk of the individual's high "proneness to scale tipping" as we might refer to proneness to sentence of preventive detention or to reconviction (we have elsewhere used the term vulnerability to preventive detention or reconviction).

Naturally there are certain statistical consequences of having to treat the criterion as a group probability instead of as a measurable quantity but we need not go into this. The essential point of using the prediction method in the present context is that it affords a method of combining the effect on sentence or reconviction of different aspects which are correlated, in such a way as to allow for the overlap and produce a score which has the highest correlation with the criterion.

APPENDIX 2

REPRESENTATIVENESS OF THE ONE-THIRD SAMPLE

For the purpose of providing a preliminary analysis of the data, all offenders sentenced to preventive detention whose Calendar records were available in 1957 and one-third of the offenders given other sentences were analysed. Certain later analyses were also confined to this group in order to reduce the amount of hand sorting involved or because the information was not always available in the full sample. The one-third sample was obtained by taking every third name on the list of offenders forwarded by each prison.

The following comparisons show the results obtained from the sample and the whole group of offenders not sentenced to preventive detention.

Comparison of all liable offenders not sentenced to preventive detention *and the one-third sample*:

Percentage distribution of sentences, appearances before the court, current offences and intervals at liberty

Sentence		Probation, fine, etc.	Short term imprisonment less than 3 years	Medium term imprisonment 3-5 years	Long term imprisonment over 5 years
Whole group	..	16.4%	50.5%	22.4%	10.4%
Sample	..	13.7%	54.7%	21.3%	10.3%

Number of appearances		Under 10	10-19	20-29	30 and over
Whole group	..	31.7%	59.4%	8.0%	0.7%
Sample	..	28.0%	62.5%	9.5%	1.0%

Current offence		Fraud	Larceny	Breaking and entering	Sex or violence	Mixed offences
Whole group	..	8.2%	34.2%	41.3%	7.8%	8.5%
Sample	..	7.8%	35.6%	40.7%	6.3%	9.4%

Interval at liberty		Under 3 months	3 months to under 1 year	1 year to under 2 years	2 years to under 4 years	4 years and over
Whole group	..	16.6%	34.7%	21.5%	17.6%	9.8%
Sample	..	18.4%	35.1%	20.8%	17.1%	8.4%

The sample results agree closely with the full group and we can accept the results of the more detailed analyses in Chapters 9-12 as applying to all offenders given sentences other than preventive detention.

APPENDIX 3

RELIABILITY OF THE MATERIAL ANALYSED

THE findings of any research investigation can, at best, only be as good as the material on which the study is based. If they fall short of this then the researchers must carry the blame! In the present study we have used various techniques to make the data suitable for quantitative analysis. This applies to the information set out in the after trial calendars and also the records used by the Advisory Board. At no point have we attempted to go into the field and collect information ourselves by interviewing prisoners nor have we asked for any special information in the form of questionnaires to prisoners or schedules of questions to be answered by the staff. This necessarily limits the total area of information and determines what problems can be answered. It is probably worth spending a short time on considering how far the general plan is affected by the availability of information.

The first problem was to determine what factors influenced whether the courts sentenced an offender to preventive detention or not. The sample of offenders liable to preventive detention could be selected from the prison lists since the prisons have a statutory obligation to provide this information for the courts, but as there is no obligation to keep or to publish information on the numbers of offenders who are liable for preventive detention, we had to circularise the prisons to obtain the names of prisoners who were liable. Chapter 2 shows that we were able to obtain the Calendar records (or comparable information from Criminal Records Office) for all but very few of these offenders.

The question what factors influenced the courts to sentence some of the offenders to preventive detention whilst giving others alternative sentences ought to be framed more accurately as "which of the factors recorded in the calendars influenced the courts' sentence". We have seen that the specifically criminal information was very complete and that in terms of this we were able to account for the sentencing to a considerable extent. However, if we had had an observer sitting in at the trials we could, no doubt, have gathered further information about the intelligence of the offender, the way he stood up to questioning, the sort of impression he appeared to make on the court, any social factors which were mentioned and so on. More particularly, we would probably have had an indication from the judge's remarks as to what factors he personally thought were important and what, in his mind, caused him to give the sentence he did. The practical difficulties in such a procedure and of handling the data when gathered are such that one would have to limit the sample. Moreover there would still remain problems of how far any explicit reference was made to various factors and how far one could assume that if a factor was not mentioned it should be taken as not being operative. We have merely assumed that the proportions of different groups who have received sentence of preventive detention is itself an indication of the relative importance of the factors in sentencing. Whether a factor is important for itself, or because it is indicative of other conditions associated with it we can only say for the particular associations which emerge from the analysis of the calendar records. These should preferably be based only on the items (concerned mainly with criminal history) which are recorded for every case. Items which are mentioned infrequently with no record of the absence of the characteristic must be treated cautiously since the problem of whether there is a true negative or simply an absence of information applies here if less strongly, than in relation to psychological or social aspects.

The problem of why some individuals in any group we have isolated are given sentence of preventive detention and others are not, is one we have not attempted to answer. What we have found is that by using a particular model (i.e. by giving scores

of vulnerability to preventive detention to particular factors) we have been able to account for the actual sentencing within close limits (over 80% of the variance). This may seem surprising because one would expect that the omission of information about the offender's social circumstances would seriously reduce the accuracy with which we could predict sentence. The reason why this is not so, is that much of the social information is correlated with the offender's criminal history (either as a cause of it or as a result of it). For example, a bad work record could be a consequence of frequent offending, especially if the offences were followed by terms of imprisonment, but equally the fact that an offender was out of work could lead to crime to provide the means to live.

The accuracy of information on criminal histories

The criminal histories as recorded at Scotland Yard showed very few discrepancies from the calendar information and we did not think it worthwhile making any systematic study. Some notes on the inconsistencies of the Calendar records are given in Appendix A.1.

Similarly we used the Criminal Record Office to check on further reconvictions of the 1956 group of offenders not sentenced to preventive detention (Chapters 12 and 13) and the earlier preventive detainees whose allocation to third stage we studied in Chapters 11, 12 and 13. The Central After-Care Association had already produced information about offences committed subsequent to release from all sentences of preventive detention since the 1948 Act and our results from the Criminal Record Office which included part of this group and covered a rather more recent period, checked up very accurately.

We noted in Chapter 17 that offenders aged over 60 on release from preventive detention apparently suffered fewer reconvictions than other offenders and we suspected that, apart from being confined to hospital, some of the offenders might have died without this knowledge reaching the Criminal Record Office. Information about the death of an offender whilst serving a prison sentence or whilst on licence would certainly be recorded. If there was a Coroner's inquest over the death of a habitual offender of the kind we have dealt with, or if death occurred in a hostel frequented by criminals, this would also be likely to be brought to the notice of Scotland Yard. Again if the local police were asked to provide information to the Criminal Record Office about an offender for any purpose and the offender was known locally to have died, the information could be passed on. In other circumstances it is unlikely that the information would reach Scotland Yard except possibly after a long interval.

We have therefore accepted that, for the older offenders, the percentage reconviction figures are not representative of the number at risk. For other groups we can regard this source of error as negligible. We are, therefore, satisfied that, so far as these persistent offenders are concerned, the records of criminal behaviour which we have used are accurate enough not to affect our conclusions. This does not, however, cover the point that the offenders may have resorted to crime without being detected. Our results therefore relate to convictions (together with offences admitted and taken into consideration when sentencing) and not to the committing of any offences. The last must, from the nature of the information available to us remain unknown.

The reliability of recorded social information

In Chapters 14 and 15 we have extended the study to cover information beyond the purely criminal aspects and have used the information collected for the Advisory Board on third stage. We have little information on the accuracy and completeness of these records. The information was collected for the Advisory Board and not for research purposes and, therefore, we have had to accept what was available. There

was no possibility of carrying out a subsequent check on the recorded information but we have been able to apply certain internal checks. We have analysed different observers' statements to see how closely they agreed with each other and with subsequent reconviction and we have tested the reliability of the interpretations (Chapter 15) but we do not know whether the staff would have made the same statements on another occasion. Most of the statements specifically asked for on the form, e.g. married or single, type of home, promise of employment and so on are entered whether the information is positive or negative. In these instances, therefore, we do not have any problem of deciding whether a condition is not present or merely not recorded, although "not known" responses occur in some items. The free comments about rehabilitation and attitude to society sometimes mention an aspect of the offender's conduct which corresponds to some listed item elsewhere on the form, e.g. under home background, work record, etc. In such cases we have been able to check the two items against each other. We have also compared the notes made by the Medical Officers and the full list of convictions with the relevant categories in the list of "adverse factors". For example, we have been able to check whether "evidence of sexual abnormality" is recorded whenever there is a history of sex offences (indecent exposures etc.), whether the age at which the first conviction occurred and "crimes of stealing predominating" and certain other items recorded under the "summary of adverse factors" agreed with the list of offences. Such checks are far from a true reliability test but they give us some idea of how far the records can be accepted.

Discrepancies in the information recorded on form 1140

The simplest way to deal with the internal consistency of the information recorded on form 1140 is to set out for each item where there are two sources of information as indicated above, the proportion of the entries in which there is agreement and the kind of discrepancy shown.

Confirmation can only apply where a positive indication is given at some point. For example, if there is no mention of adverse early background in the list of adverse factors at the end of the form and no reference to any such conditions among the staff reports this does not constitute a confirmation because the aspect may have been sought and found to be absent or simply overlooked.

The agreement was as follows:—

	Two sources in agreement	Entry under "Summary" contradicted by staff comments	Positive indication from staff comments or offence list but omitted from "Summary"
Adverse home background	52	0	1
Adverse school report	9	0	3
Bad work record	51	2	1
Bad record in H.M. forces	72	1	4
Bad comparisons	51	1	3
Under 21 at first conviction	100	1	7
Stealing predominating offence ..	88	34	3
Drink addiction	41	1	7
Homeless or unsatisfactory marriage	108	2	19
Rejected by family	44	1	1
Subnormal intelligence	22	0	1
Mental instability	29	0	22

Apart from the classification of the predominating offence, observed discrepancies are few; the item "under 21 at first conviction" is an objective one, nevertheless seven cases were found to have a criminal record at Scotland Yard in which an

indictable offence was committed before 21 without being so recorded on the form. Seven offenders who were not classified under the heading "drink addiction" had comments about drunkenness. This could be because the recorder did not consider that a comment such as "drank a lot when young" or "drinks to escape" or "drinks seldom but to excess" merited classification under drink *addiction* (only one of the seven had a conviction for "drunk and disorderly conduct"). The two items, "homeless or with unsatisfactory marital relations" and "mental instability" gave most discrepancies. In the former instance this was possibly because the item was a rather unsatisfactory composite and in the latter, because mental instability was not recorded if the offender was already classified as "psychotic" or if there was mention of early mental treatment. The dividing line between offenders "with various personality problems" referred to by the medical officers or the staff and "mental instability" was obviously a difficult one.

We interpreted the entry "stealing" as the predominating offence very differently from the prison staff when we analysed the offences listed by Scotland Yard under "antecedents". Our criterion was that the offence should predominate over all others and we specified that larceny offences should contribute at least two-thirds of the total number of offences. The prison interpretation was nearer the level at which stealing was more frequent than any other single offence (this might well apply if the offence contributed only one-third of the total offences in the case of the offender who committed many different kinds of offence). The staff criterion included more than twice as many offenders as the number we had labelled "larceny offenders" in our predominant offence classification. When we repeated the comparison taking "crime of stealing predominating" as applying to any cases in which stealing outnumbered any other single offence, we still found an excess of 34 offenders which we could only count as "misclassified" according to the official information on antecedents since, in these cases other offences were more numerous. We have used our own classification from the records in the main analysis.

We checked the effect of the discrepancies in other items on the proportions allocated to third stage and the proportions reconvicted but they made negligible difference to the results. Even the difference in classification of "mental instability" made no difference to the results because the percentage allocation to third stage and the proportions reconvicted were about the same as for the group "with personality problems" and the two classes can be regarded as alternative classifications of the same condition. Thirteen offenders had more than one discrepancy and 40 had one (usually an omission from the list of "adverse factors"). Differences, therefore, affected the total number of "adverse factors" but they usually occurred in items which were not related to reconviction, hence they did not affect the results appreciably when the items were analysed according to the various fields referred to in Chapter 18.

APPENDIX 4

AGREEMENT BETWEEN INTERPRETERS

THE method of scaling verbal comments on behaviour has been described on page 127 of Part II and the reliability of two of the interpreters has been studied on pages 129-131. In order not to overload the text we have briefly set out the major findings in respect of the agreement between three interpreters. For those who are concerned with the methods of comparison and wish to see the results of agreement between interpreters in greater detail, we give the following information. (We have not used the more usual term "assessors" because we have reserved this term for the staff who made the statements about prisoners in the first place.)

A. General Standards

TABLE A

Distribution of grades given to each statement by three interpreters
n = 165

Grade		Behaviour in prison			Social adjustment			Attitude to Staff			Chief Officers' statements			Medical Officers' statements			Chaplains' statements (n = 153)			Assistant Governors' statements			Governors' statements				
		B ₁			B ₂			B ₃			E ₁			E ₂			E ₃			E ₄			E ₅				
		X	Y	Z	X	Y	Z	X	Y	Z	X	Y	Z	X	Y	Z	X	Y	Z	X	Y	Z	X	Y	Z		
A	..	..	..	25	57	9	17	20	6	38	93	22	9	2	10	3	4	6	19	23	23	6	6	14	4	4	9
B	..	..	..	39	23	23	33	22	31	76	20	80	9	14	11	34	36	16	42	40	39	33	25	18	23	15	12
C	..	..	..	40	17	32	26	28	29	33	19	37	18	51	16	29	41	33	23	23	32	18	22	18	17	24	18
D	..	..	..	12	26	47	28	43	41	12	25	13	32	34	69	41	60	69	25	35	39	34	63	62	22	28	25
E	..	..	..	49	40	54	61	32	58	6	8	13	97	64	59	58	24	41	44	24	30	74	49	53	99	94	101

Note.—We have treated "Z's" results as though the ratings were all provided by the same individual, although, for a number of reasons which we need not go into, some were produced by different individuals.

In 12 cases the chaplains had insufficient acquaintance with the prisoner to make a prognosis.

TABLE B

The means and standard deviations
(scoring: A=1, B=2 . . . E=5)

Item	B ₁			B ₂			B ₃		
	X	Y	Z	X	Y	Z	X	Y	Z
Interpreter ..	3.13	2.82	3.69	3.30	3.52	3.69	2.22	2.00	2.48
Mean ..	1.44	1.63	1.21	1.41	1.37	1.23	1.00	1.31	1.07
Standard deviation									

Item	E ₁			E ₂			E ₃			E ₄			E ₅		
	X	Y	Z	X	Y	Z	X	Y	Z	X	Y	Z	X	Y	Z
Interpreter ..	4.20	3.87	3.95	3.72	3.39	3.75	3.22	2.96	3.18	3.83	3.75	3.74	4.15	4.17	4.18
Mean ..	1.17	1.06	1.12	1.19	1.05	1.05	1.43	1.31	1.34	1.29	1.14	1.25	1.21	1.13	1.22
Standard deviation															

Item B₁ shows significant differences in the mean grade for all three interpreters, item B₂ between "Y" and "Z" and items E₁ and E₂ between "X" and "Y" otherwise the differences are not significant; "Y" tended to produce a low mean score, i.e. a favourable interpretation in all these differences.

The extent to which the interpreters spread their grades about their average grade (shown by the standard deviations) differed significantly in items B₁ and B₂ but not in the other items. There appears to be no consistency about the pattern. In some items X spreads the grades more than Y, in others Y more than X and Z varies indiscriminately according to either.

It is possible to compare the subjective impressions and introspections of two of us only (X and Y) in relation to the grades given, since we have no record of which other interpreter was responsible for assessing any particular offenders. We shall, therefore, deal in rather greater detail with the comparisons between our results than between either of our results and Z. In particular, we shall see whether the comparisons are affected according to whether we use correlation coefficients or other measures of agreement.

The poor agreement in distribution of grades for E_1 was surprising because we both remarked that the particular chief officer who was responsible for most of the reports was very definite and held very "black and white" views about the prisoners.* The main disagreement in our results in respect of the chief officers' ratings was that one of us, X, tended to rate the offender "E" when the chief officers made some highly derogatory statement about him whilst Y interpreted this as indicating the officers' reaction to the prisoner (extreme dislike) but considered that this did not, in itself, indicate whether he was likely to be reconvicted in future or not and, therefore, placed him in the neutral category "C". X's interpretation was that the remark indicated a poor attitude on the part of the prisoner which was likely to persist in the future and so affect his prospects of going straight.

This and the items on prison behaviour, B_1 and B_2 , were the only assessments on which we felt there was any difference in our interpretations when we discussed them before comparing the results. One of us, Y, tended to rate as "A" any favourable statements about the prisoner's behaviour which did not contain a qualification, whereas X only used this grade if the statements were exceptionally favourable. The analysis shows an excess of class A in items B_1 and B_2 and of class C in item E_1 for interpreter Y compared with X. These results are consistent with impressions we formed when discussing the method.

The percentage distributions of grades for all the staff statements combined were as follows for the three interpreters:—

TABLE C

Grade				Interpreter X	Interpreter Y	Interpreter Z
				%	%	%
A	..	..	..	9.1	15.9	7.6
B	..	..	..	22.3	15.0	16.8
C	..	..	..	15.6	17.9	16.4
D	..	..	..	15.6	24.0	27.9
E	..	..	..	37.4	27.2	31.2

The χ^2 value for the three interpreters' five-point scales is 18.05, D.F. 8. This is significant almost at the 2% level and indicates that there are overall differences in the way in which the three interpreters spread their grades throughout the range A to E. Examination of Table A shows that there are quite extreme differences in

* Throughout this analysis we have referred to the class of staff by name, e.g. medical officers, assistant governors and so on, but this does not mean that the individual officers are the same throughout. The reports were obtained from different prisons and from the same prison at different times, hence the number of statements made by any individual was generally too small to analyse separately. The results, therefore, apply to the class as a whole, but it is possible that the agreement between certain members of the class may be quite different from the results shown.

items B_1 and B_2 especially in the choice of grades A or B and D or E. The three-point scale produced by combining the two outer grades and averaging the distributions over all items was as follows:—

TABLE D
Threefold grading

Grade			Interpreter X	Interpreter Y	Interpreter Z
			%	%	%
A and B	..	..	31.4	30.9	24.4
C	..	..	15.6	17.9	16.4
D and E	..	..	53.0	51.2	59.1

The χ^2 value, 3.1, D.F. 4, is not significant and it indicates that the overall grade differences are well within the level of sampling error. However, inspection of Table A shows that even when the grades are combined as above, certain items, notably B_1 and E_1 still show considerable differences; these are individually significant.

Comparison of agreement between interpreters in respect of individual cases

So far, we have dealt only with the interpreters' methods of rating but we have not compared how closely the interpreters agree in the grades which they allocate to individual statements.

In the following table we have compared the grades given by the three interpreters to the 165 subjects in each of the eight items on which the prison staff made their assessments. In this comparison any differences which the interpreters showed in their approach to grading will contribute to the disagreement recorded.

Out of 165 individuals assessed, the numbers on which all three interpreters were in agreement, those on which two of the three agreed but disagreed with the third, and those on which all interpreters disagreed were as follows:—

TABLE E

Item			Interpreter agreement on five-point ratings					
			All three in agreement		Two in agreement		None in agreement	
			No.	%	No.	%	No.	%
Prison behaviour	..	B_1	51	30.9	81	49.1	33	20.0
Social adjustment	..	B_2	56	33.9	98	59.4	11	6.7
Prisoner's attitude to staff	..	B_3	36	21.8	115	69.7	14	8.5
Chief officers' prognosis	..	E_1	63	38.2	82	49.7	20	12.1
Medical officers' prognosis	..	E_2	55	33.3	103	62.5	7	4.2
Chaplains' prognosis	..	E_3	60	39.2	84	54.9	9	5.9
Assistant governors' prognosis	..	E_4	109	66.1	50	30.3	6	3.6
Governors' prognosis	..	E_5	97	58.8	62	37.6	6	3.6
All assessments	..		532	40.3	681	51.6	107	8.1

The results indicate that all three interpreters were in complete agreement on the five-point scale in 40% of the cases and there was a majority agreement in nearly 92% of the cases, so that in only 8% was there any real difficulty in allocating a grade.

The three interpreters showed the greatest conformity in interpreting the assessments made by the assistant governors. These figures do not indicate the magnitude of the differences in the grades given but they show that the order of general agreement

in interpretation, when any difference in standards is allowed to have its effect, was roughly as follows:—

1. Assistant Governors' prognosis	..	E ₄
2. Governors' prognosis	.. ..	E ₅
3. Chaplains' prognosis	.. ..	E ₂
4. Medical Officers' prognosis	.. ..	E ₃
5. Social adjustment	.. ..	B ₂
6. Chief Officers' prognosis	.. ..	E ₁
7. Attitude to staff	.. ..	B ₃
8. Prison behaviour	.. ..	B ₁

Thus the agreement was greater for the prognosis of reconviction than for the statements about prisoners' behaviour. Despite some differences in the mean interpretations for certain items, the interpreters are in very close agreement in the order of favourability or unfavourability which they attribute to the eight items. (Attitude to staff, B₃, is regarded as most lenient, then prison conduct and the chaplains' prognosis, whilst the governors' and chief officers are agreed to be the most severe in their comments.)

There is considerably less agreement among the three interpreters concerning the variability which they attribute to the eight statements. In other words, the interpreters can express the general level of favourability of written statements more easily than they can say how extreme the grades should be. This would suggest that different observers might agree more closely when making a twofold grading (dichotomy into favourable/unfavourable comments) than when producing a multiple grading. It should also be noted that agreement was greater on a three-point than on a five-point system. However, it is possible to make adjustments to the grading standards when a multiple system is used which are not applicable to dichotomies (see page 131). Therefore, so far as the present data go, they suggest that a five-fold grading should be attempted and this can later be reduced to the best three-fold grading.

The agreement between individual interpreters can also be shown by their correlations with each other. Correlation coefficients of course, show the level of agreement when differences in the means and variances of the grades are eliminated; they, therefore, represent the agreement between standardised grades and not between the actual grades given. Co-variances could be used for comparative purposes but they depend on the scales used. We used figures adjusted for the mean values but when so adjusted they added little to the information given by the correlations and they are therefore not shown.

The correlations between the interpretations of X, Y and Z were as follows:—

TABLE F
Correlations between Interpreters

	X with Y	X with Z	Y with Z
Prison behaviour B ₁	0.86	0.88	0.81
Social adjustment B ₂	0.87	0.82	0.84
Prisoner's attitude to staff .. B ₃	0.80	0.83	0.77
Chief officers' prognosis .. E ₁	0.71	0.80	0.75
Medical officers' prognosis .. E ₃	0.77	0.78	0.73
Chaplains' prognosis E ₂	0.84	0.80	0.77
Assistant governors' prognosis .. E ₄	0.81	0.82	0.79
Governors' prognosis E ₅	0.89	0.94	0.93

Note.—X and Y have some professional experience and also training in psychology, Z consists of untrained lay interpreters. The correlations between all three interpreters are comparable with each other and they do not suggest that any one of them is either more or less representative than the others. There is, therefore, no point in dealing in greater detail with the particular combinations involving the lay interpreters compared with the professional ones.

The object of this exercise was to see to what extent the verbal reports available to the Board could be interpreted without introducing any unacceptable bias on the part of the interpreter. Interpreters' differences can be regarded as equivalent to error variance since the material on which the interpreters operate is the same and ideally they should produce identical gradings for all cases. The aim should be to minimise the interpreters' differences by using the most appropriate combinations of their grades. In the present case, the general levels of the three interpreters' gradings differ little and although the extent to which the three interpreters discriminate between the statements shows some differences and these are not consistent, the effect of any differential weighting to allow for general differences between interpreters would be slight.

In our main analysis therefore we have used the majority grade or, in the few cases where the three interpreters disagree in the allocation of grades, we have accepted the middle grade for analysis in relation to the Advisory Board's decision on subsequent reconviction.

APPENDIX 5

PARTICULARS OF TWO ANOMALOUS GROUPS

TABLE 1

Larceny Offenders sentenced to preventive detention

Age	Total convictions	Number of indictments	Previous appearances	Number of current offences	Property stolen Nature	Owner's valuation	Plea
39	30	9	15	1	6s. 6d. ring and pence.	—	Not Guilty
36	16	5	14	1	Larceny from the person.	£1	Not Guilty
44	14	4	10	1	Bicycle	£20	Sect. 29
56	19	6	23	1	3 clocks and 1 pair socks.	£18 7 10	Sect. 29
37	16	4	14	1	1 cwt. lead	£4	Sect. 29
34	17	6	13	1	Att. Larceny	—	Not Guilty
54	56	7	15	4	4 watches	—	Guilty
37	19	3	9	1	Cash	£5	Sect. 29
40	22	11	18	1	Cash	£5	Sect. 29
34	19	6	10	1	1 dress and hanger	£4 11 0	Sect. 29
46	38	3	32	1	1 Chicken carcass	—	Not Guilty
42	35	7	23	1	3 raincoats	£17 10 0	Sect. 29

Joint indictments	Types of previous offence	Most common previous offence	Maximum time at liberty	Last penalty	Previous penalties (additional to imprisonment)
	(See Key)				(See Key)
1	2, 3, 6	2*	3 months	3-5 years	B.T., Probation
2	1, 2, 3, 4, 6	2	10 days	Fine	Fine (2)
0	2	2	7 months 1 week	1 year- 18 months	Abs. Disch., B.O.
0	1, 2	2	3 months	3-5 years	Abs. Disch.
0	1, 2	2	1 month 3 weeks	3-5 years	B.O., Fine
0	2, 3	2	1 month	Abs. Disch.	Abs. Disch., B.O., Fine
0	1, 2	2	18 months	P.D.	B.O., Fine
0	1, 2	2	1 year 3 weeks	3-5 years	B.O.
0	1, 2, 3, 5	3	1 month	1 year- 18 months	B.T. (2) Abs. Disch. B.O.
0	2, 3, 4	2	4 months 2 weeks	3-5 years	B.T., B.O., (2)
0	1, 2, 3, 4	2*	1 month 3 weeks	6-1 year	B.T., Appd. School, Probation, Fine (3)
0	2, 3, 4, 6	2*	4 months 2 weeks	Cond. Disch.	B.T., Probation, Fine (2) Cond. Disch.

Key

1. Fraud or L.p.
2. Larceny
3. Breaking
4. Sex
5. Violence
6. Destruction

* Associated with
some breaking
offences.

Key

- B.T. Borstal Training
Abs. Disch. Absolute
Discharge
Cond. Disch. Conditional
Discharge
B.O. Bound Over

TABLE 2

Offenders not sentenced to preventive detention

Offence	Age	Total convictions	Previous indictments	Previous appearances	Number of current offences	Plea	Joint indictments
Breaking and entering	36	30	5	22	1	Guilty	1
	45	31	9	22	1	Guilty	0
	49	33	8	20	1	Guilty	0
	41	32	9	17	1	Not Guilty	0
	53	32	8	22	1	Guilty	0
	43	30	6	13	2	Guilty	2
	42	30	5	12	1	Guilty	1
	33	45	4	15	2	Guilty	0
	41	40	6	15	2	Guilty	0
	45	44	3	11	1	Not Guilty	0
MIXED (Breaking, etc.)	37	30	4	10	1	Guilty	0
	34	31	6	14	2	Guilty	1
	34	34	8	22	2	Guilty	0
	52	37	10	23	2	Sect. 29	0
	40	31	8	14	3	Guilty	0
	51	32	3	18	4	Sect. 29	0
FRAUD or F.P.	58	44	6	12	8	Guilty	0
	39	35	3	14	14	Guilty	0
	32	32	5	13	2	Guilty	0
	54	32	4	8	10	Not Guilty	0

Types of previous offences	Most common previous offence	Maximum time at liberty	Last penalty	Previous penalties (additional to imprisonment)	Current penalty	Offences T.I.C. (current off.)
(See Key)				(See Key)		
1, 2, 3, 5	2	4 weeks	Con. Disch.	A.S., C.D., B.O., Fine	3 years	0
2, 3, 4	2*	3 months	Con. Disch.	Ab. Dis., B.O., Pbn.	2½ years	0
1, 2, 3	2*	8 months	7 years P.D.	B.O.	1 day	0
1, 2, 3, 5	2*	9 months	5 years	A.S., B.T., B.O., Fine	15 months	0
1, 2, 3	2*	1 year 11 months	6 years P.D.	B.T., Ab. Dis., Fine	2 years	1
2, 3, 5	2*	2 years	5 years	A.S., B.O., Fine	Fine £25	0
1, 2, 3	2*	3 years 5 months	3 years	B.O.	9 months	0
2, 3	2*	1 year	6 months	A.S., B.T.	2 years	0
2, 3, 5	2*	3 months	1 year	B.O., Fine	Con. Disch.	8
1, 2, 3, 5	2*	4 months	1 year	Pbn., Fine	12 months	0
1, 2	1	1 year 10 months	3 years	Ab. Dis., B.O., Pbn.	9 months	0
2, 3, 5	2*	10 weeks	5 years	A.S., B.O.	12 months	3
2, 3, 5	2*	4 months	3 years	A.S., B.T., B.O., Pbn.	9 months	0
1, 2, 5	1	2 years 8 months	6 years P.D.	B.O., Fine	12 months	4
1, 2, 3	2*	2 years 2 months	4 years	A.S., B.O., Fine	3 years	0
1, 2	1	1 year 2 months	1 year	B.O.	12 months	0
1, 2	1	1 year 9 months	Pbn.	B.O.	12 months	0
1, 2, 3	2*	6 years 1 month	Fine	B.O., Pbn.	3 years	68
1, 2, 3	1	3 years 5 months	9 months	B.O.	18 months	4
1, 2	1	4 years 1 month	6 months	B.O., Fine	2 years 6 months	0

Keys:

1. Fraud
2. Larceny
3. Breaking
4. Sex
5. Violence
6. Destruction
- * Associated with some breaking offences.

Key:

- A.S. Approved School
C.D. Conditional Discharge
B.O. Bound Over
Ab. Dis. Absolute Discharge
Pbn. Probation
B.T. Borstal Training

APPENDIX A.1

THE AFTER-TRIAL CALENDARS

THE After-trial Calendars were not all available within a reasonable time of having been completed; for example, by September 1958 a number of Calendars dated September 1956 were not yet printed. Variations appear to be local, rather than general, depending on the prison and printers and the Clerks of the Courts concerned and such delays are not widespread.

Apart from this delay those Calendars that are available vary greatly in accuracy, printing or material errors occurring with much greater frequency in some. The printing errors might be partly avoidable by careful scrutiny of the proofs but as these errors are fairly obvious they are not as serious as material errors, for example, loss of correct chronological order of appearances, mistakes about the age of the offender, printing magistrates court for quarter sessions for a previous appearance—all of which are difficult, though possible, to check. Besides errors there are frequently occurring omissions, for example, the occupation of the offender or his Criminal Record Office number.

Among those calendars which were accurate and reasonably easily obtainable there were many variations. A generalised form of entry reads:—

Surname, first names, age, occupation, Criminal Record Office number.

Previous Convictions,

Sentence, Court at which appeared, date, offence/s

.....
.....
.....
.....

e.g. six months, Xford City M. Ct. October 1943 (larceny)

Number of times summarily convicted....., offences of, e.g. drunkenness

Committed from Xford.

Bailed at Court.....Date.....Surrendered date.

Offence

2nd charge.

Tried before. Name of Judge. Date.....

Verdict.....plea.....

Order of the Court.

Variations in the Calendars

There are variations in the use of abbreviations for all possible words, dates, etc.

Some calendars give the offences taken into consideration on previous convictions.

The summary offences may be given in detail as previous convictions or they may be separated or collected together at the end of the previous convictions with or without an indication of the dates when they occurred.

Fines are stated but the amount is not always given.

In the current offence the amount of the property taken is not always given.

The verdict is sometimes put as verdict/plea so that it is necessary to decide from the rest of the data whether the defendant fought the case or not.

A thick black marginal line indicates the joinder of the offender with associates but this is not always given, necessitating the careful inspection of the calendar for other offenders jointly charged with the defendant.

Some of these practices would be extremely useful if common to all calendars; others are time-consuming and prevent information from other calendars being used. Thus abbreviations are not to be recommended because they increase the danger of printers' errors. It would be useful if the number and type of offences taken into consideration could always be given with previous convictions. Minor summary offences shown with the previous convictions for indictable offences in chronological order give an indication of the crime-free periods and rates of committing crimes and they also give a picture of the development of trends such as violence or drunkenness. The amount of fines would be indicative of the Court's view of the seriousness of an offence. Similarly the value of property taken would be helpful. In all cases the verdict should be shown separately and in addition to plea. The joinder of offenders indicated by the black line saves much time and trouble.

Another matter not given in any calendars but which would be of great assistance, is the County of the place of a previous appearance.

In view of the wealth of data which the calendars contain, for research purposes, more uniformity both of form and detail as suggested above would greatly simplify the extraction of material and increase the amount of information available.

APPENDIX A.2

COMMENTARY ON THE ABSTRACTION OF DATA AND COMPLETION OF THE SCHEDULE

For the benefit of other research workers concerned with studies of criminal histories from Calendar records (or indeed from other sources) the criteria adopted in the present study are set out.

It is obviously an advantage that the classification should be the same wherever possible and our experience with the codes used should help others to avoid some of the pitfalls we have found. Hence we have indicated where a coding which we hoped would work as the result of a pilot run through, has had to be modified or has proved unsatisfactory in the main study.

Item No.

1. Court.

District as given on the front of the Calendar, e.g. County of Somerset. Type of court, e.g. quarter sessions.

2. Full names of offenders as given in Calendar.

3. Criminal record number where given.

4. Age [to the nearest year, from Calendar].

5. Occupation (given fully from Calendar) [Social Survey Code used].

6. Total number of all known offences found by counting each offence given in the Calendar, e.g. larceny, false pretences (two cases) assault—four offences together with the current charges of which offender found guilty.

Code 6

<i>Number of offences</i>							<i>Code No.</i>
Under 10	..	..	..	..	..	..	1
10 to 19	..	..	..	..	..	..	2
20 to 29	..	..	..	..	..	..	3
30 to 39	..	..	..	..	..	..	4
40 to 49	..	..	..	..	..	..	5
50 to 59	..	..	..	..	..	..	6
60 to 69	..	..	..	..	..	..	7
70 and over	..	..	..	..	..	..	8

Previous and current offences taken into consideration are excluded, together with Drinking offences, betting offences and others given as "Summary".

7. Number of different counties, that is counties in England, Scotland and Wales and Ireland and states and districts in foreign countries [offences excluded in six are excluded again here].

8. The total number of appearances is found by counting the occasions on which the offender has been before a court [again excluding the offences as in six].

9. Offences committed outside England and Wales. Where this applied the numbers for Scotland or Ireland and elsewhere were counted [again ignoring offences excluded in six].

10. This question has been altered and now reads "total number of previous indictable offences for which the offender was sentenced at a higher court", and excluded all Magistrates' Court appearances and foreign courts [with the exception of Scotland].

11. Victim(s) of the current offence. The information for this question was deduced from the nature of the offence together with any extra information given in the Calendar, e.g. Shop-breaking=4, Embezzlement=3. The information in the Calendars was insufficient to enable a satisfactory classification in many cases and the item was not used.

12. The evidence of specialisation was deduced from the types of crime committed.

If there is no relation between the types of crime committed, e.g. stealing, assault, fraud—they were entered as "no specialisation". If at least two thirds of the offences were of a similar kind such as a house or shopbreaking, larceny, burglary, they were entered as "specialisation".

13. Drinking. In practice only the presence and number of drinking offences were used since the information was not always sufficiently detailed to enable us to say when the offences occurred.

Very few = less than 3

Several = 3-5

Many = over 5

14. Evidence of gambling is deduced from information in the Calendars, e.g. betting offences, probation order with warning not to gamble.

15. Mental instability—this cannot be deduced from the nature of the offences but from reference to time spent in Mental Homes, Probation Order with condition of treatment, etc.

16. Sexual instability is deduced from the nature of all offences (including summary offences). The information given in the Calendars was too spasmodic to provide any useful classification apart from that of the most common offence and the category was not used in the analysis.

17. "Treatment" will include some of the information common to 15 but also intended to deal with physical health. Again the records provided too little information to make the analysis worthwhile.

18. The number of previous penalties is found by counting previous types of penalty, e.g. probation, borstal training, imprisonment and coding.

Code 18

<i>Previous penalties</i>						<i>Code No.</i>
Absolute/Conditional Discharge	}	..	..	..	..	0
Bound over						
Fines						
Probation only	..	..	..	..	..	1
Approved School/Borstal	..	..	..	..	..	2
Code Nos. 0+1	..	..	..	..	..	3
Code Nos. 0+2	..	..	..	..	..	4
Code Nos. 1+2	..	..	..	..	..	5
Approved School+Borstal	..	..	..	..	..	6
Code Nos. 6+0	..	..	..	..	..	7
Code Nos. 6+1	..	..	..	..	..	8
Code Nos. 0+1+2	..	..	..	..	..	9
Code Nos. 0+1+6	..	..	..	..	..	Y

[N.B. All penalties also include imprisonment].

18A. This was added to find the offenders previously given corrective training or preventive detention.

Code 18A

<i>[Ignoring Current Sentence]</i>						<i>Code No.</i>
No previous corrective training or preventive detention	..	..	..	..	..	0
Corrective training only	..	..	..	..	..	1
Preventive detention only	..	..	..	..	..	2
Corrective training + Preventive detention	..	..	..	..	..	3

19. This was altered to show type of current offence and coded Code 19 (see Appendix A.2).

<i>Current offence</i>	<i>Code No.</i>
Fraud	1
Larceny [and receiving]	2
House/shop breaking	3
Violence	4
Sexual offences	5
Destructive	6
Mixed	7

20. This was the code of the police District as given in the Supplementary Tables to "Criminal Statistics".

21. The density code was omitted.

22. The crime-rate for the area was omitted.

23. The total number of current offences of which offender found guilty consists of those charges in the current indictment or indictments of which the offender has been found guilty.

24. Time-at-risk is calculated from the date of the previous appearance or release from sentence if applicable assuming that the offender earned the full remission, to the date of reception in prison for the current offence (prior to trial).

Code 24

<i>Time at risk before current offence</i>	<i>Code No.</i>
Under 1 month	1
1 month to under 3 months	2
3 months to under 6 months	3
6 months to under 1 year	4
1 year to under 2 years	5
2 years to under 4 years	6
4 years to under 8 years	7
8 years and over	8

25. Whether the current offences were part of one incident is decided from such information as both offences occurring on the same day, connected with the same person or premises or committed in connection with the arrest.

If fewer than 2 in 10 (i.e. 20%) of the current offences are unrelated ring "mostly".

26. The time between arrest and sentence is a subtraction of the former date from the latter [arrest—"reception in prison" on the calendar].

Code 26

<i>Time between trial and sentence</i>	<i>Code No.</i>
Under 2 weeks	1
2 to under 4 weeks	2
4 to under 6 weeks	3
6 to under 8 weeks	4
8 to under 10 weeks	5
10 to under 12 weeks	6
12 to under 14 weeks	7
14 weeks and over	8

27. The total value of loss sustained by victims in offences against property was the total amount given for the various charges. [Where this information occurred in the calendar] otherwise an estimated value was allotted to those articles mentioned in the Calendar and coded.

Code 27

<i>Value of property or money involved</i>	<i>Code No.</i>
Unknown	0
Under 5 shillings	1
5 shillings to under £1	2
£1 to under £10	3
£10 to under £50	4
£50 to under £100	5
£100 to under £500	6
£500 to under £1,000	7
£1,000 to under £5,000	8
£5,000 and over	9

28. As for 11, with reference to current offence only.

29. Offences whilst on bail; any offences committed subsequent to the date of bail for the current offence.

30. Name of Judge/Chairman/Recorder as given on front of Calendar [if more than one per Calendar, that given with details inside].

31. Pleas to current offence

If "not guilty" to all—ring 1.

If "not guilty" to some/any—ring 2.

If "guilty" to all—ring 3.

32. The number of offences of which offender found guilty jointly with other offenders is obtained from inspection of the associates [those joined in the margin with a black line] for offences of which found guilty in common with the offender under examination.

33. This is the total number of offenders joined by the black margin line [or if this is missing by inspecting all the indictments in the Calendar for joint indictments].

34. The age of the Associates

"Contemporary"—within three years of the age of the offender under examination. [If more than one associate then if one is "contemporary" and the other/others are older this counts as "older"]. [Similarly for "Younger" associates].

"Older"—More than three years older than offender.

"Younger"—More than three years younger than offender.

If there is more than one associate and the variation in age is more than $\pm$ three years offender's age, code "varied".

35. The comparison of the records of the offenders by inspection of the Calendar: "Worse" means either more convictions, or if both/all have the same number, then more serious offences. "Better" means fewer convictions (or if both/all have the same number)—less serious offences.

Seriousness is judged by the maximum possible sentence for each offence.

"Varied" means that there is more than one associate and a mixture of "worse" "better" or no record.

36. In the comparison of seriousness of the offender's current offences with those of his associates it is judged by the same criteria as for the criminal record.

"Similar" indicates of equal seriousness and number.

"Fewer" the offender has fewer than his associates similarly for "more".

"Varied" means more than one associate with different comparisons.

37. The penalties of the joint offenders are compared using the scale of penalties on chart 2 with the categories applying as in 36.

38. Reports to the court concerning the offender were rarely referred to in the Calendar and the category was not used.

39. This is the total number of offences taken into consideration by the court when passing sentence for the current offence.

Code 39

None	0
Under 2	1
2 to under 4	2
4 to under 7	3
7 to under 11	4
11 to under 20	5
20 to under 50	6
50 to under 100	7
100 to under 200	8
200 or over	9

40. This is the sentence passed by the court for the current offence. Where there is more than one offence this is the total of all time to be spent in prison or if there are various penalties then the most serious one judged by the order of penalties from left to right on Chart 2.

Code 40/41 Col. 1

Absolute Discharge	0
Conditional Discharge	1
Bound over	2
Probation	3
Fine	4
Imprisonment	5
Corrective training	6
Preventive Detention=P.D.	7
Detained during H.M.'s pleasure	8
Death sentence	9

Code 40/41 Col. 2

No imprisonment	0
Under 3 months	1
3 months to under 6 months	2
6 months to under 1 year	3
1 year to under 3 years	4
3 years to under 5 years	5
5 years to under 7 years	6
7 years to under 10 years	7
10 years to under 14 years	8
14 years to life	9

41. Where the sentence of the Court for 40 was a conditional discharge, binding over or probation order and there was a breach committed, any subsequent sentence appearing in the Calendar for the current offence should be noted here.

Chart 2

Penalties before/after the longest "plateaux" free from crime (refer to Chart 3).

- 42 1st half; penalty before longest plateaux.
- 43 1st half; penalty after longest plateaux.
- 44 2nd half; penalty before longest plateaux.
- 45 2nd half; penalty after longest plateaux.

Code 42/45	Discharge	..	..	0
	Probation	..	..	1
	Fine	..	..	2
	Borstal/A.S.	..	..	3
	Imprisonment			
	under 3 months	..	..	4
	under 18 months	..	..	5
	under 5 years	..	..	6
	over 5 years	..	..	7
	C.T.	..	..	8
	P.D.	..	..	9
	Detained H.M.P.	..	..	11
	D.N.A.	..	..	12

Chart 1

- 49 Code for most frequent offence (Code 19).
- 50 Spread between offence group, 1st half of crime span.
- 51 Spread between offence group, 2nd half of crime span.
- Code 50/51 No spread 0
- Spread 1 group 1
- Spread 2 group 2
- Spread 3 group 3
- Spread 4 group 4
- 52 New offence group in 1st half only (Code 19).
- 53 New offence group in 2nd half only (Code 19).
- 54 Total number of groups on whole record (actual No.).
- 55 First offence (Code 19).
- 56 Offence with maximum penalty (excluding H.M.P.) (Code 19).

Chart 3

- 60 Total length of time (in years) in prison in 1st half.
- 61 Total length of time (in years) in prison in 2nd half.
- 62 No. of crime-free plateaux in 1st half.
- 63 No. of crime-free plateaux in 2nd half.
- 64 Length of longest plateaux in 1st half.
- 65 Length of longest plateaux in 2nd half.

Code 64/65	No plateaux	..	0
	3 years +	..	1
	4 years +	..	2
	5 years +	..	3
	6-9 years +	..	4
	10 years +	..	5

- 66 Number of times imprisoned.
- 67 Total length of imprisonment in years.

APPENDIX B.1

PREVENTIVE DETENTION—ADMISSION TO THIRD STAGE

REPORT OF PRISONER TO ADVISORY BOARD

Local No.	Reg. No.	Date of birth	Age on present conviction
Case No.	Name in full		
Court			Date
Offence			
Sentence			Religion

A—CRIMINAL

1. Age at which first before a Court
2. Age at which first sent to Borstal or Prison
3. Predominant type of offence { Wounding and violence, Stealing, Sexual offences,
Fraud and false pretences, Others
4. Number of different types of offence committed
5. Summary of previous sentences, etc. B.O. Prob. Apprvd. School B.T.
C.T. Impt. P.S. P.D. Recalled
6. Periods at liberty prior to present and previous sentences

B—CHARACTER AND OUTLOOK

1. Attitude during this sentence to efforts towards rehabilitation, e.g., response to educational facilities and to corporate life
2. Attitude to society
3. Attitude to staff
4. Prison offences

C—SOCIAL

1. Birth and upbringing
2. Single, married, widow, widower, separated or divorced, and/or cohabiting. Whether Matrimonial Order in existence and arrears, if any, at date of sentence
3. Children
4. Family's attitude to prisoner—(a) before sentence
(b) during sentence (have they maintained regular and interested contact?)
(c) will wife, husband or family welcome prisoner on discharge?
5. Present attitude of prisoner to family

6. Home status and environment—
 - (a) respectable, indifferent, or bad
 - (b) character of companions
 - (c) will he return to same environment?
 - (d) has a home visit been made?
7. Work record—(a) bad, casual, periods of fair work record
 - (b) possibility of return to former employer
 - (c) promise of employment
 - (d) is proposed job within his capacity?
 - (e) degree of employability
 - (f) has prisoner a trade?
 - (g) vocational training in prison?
8. Forces record

D—MEDICAL

1. PHYSICAL

- (a) Past medical history
- (b) Physique
- (c) General health
- (d) Existing ailments and disabilities
- (e) Bearing of physical condition on work }
capacity and rehabilitation prospects }

2. MENTAL

- (a) Past mental history (e.g. head injury, epilepsy, psychosis, psychoneurosis, psychopathic traits)
- (b) Present mental disease or disorder
- (c) Intelligence level
- (d) Personality type
- (e) Personality problems
- (f) Hypochondriasis
- (g) Sexual deviation
- (h) Suggestibility
- (i) Drug or alcohol addiction
- (j) Emotional maturity
- (k) Bearing of psychiatric aspects on work }
capacity and rehabilitation prospects }

3. ATTITUDE TO CONVICTION

- (a) Denial of guilt
- (b) Complaint at length of sentence
- (c) Acceptance of conviction and sentence

E—PROGNOSIS

The following opinions should state briefly whether the prisoner is likely to show continued criminality or to have made a satisfactory social adjustment

1. Chief Officer's opinion:—
2. Medical Officer's opinion:—
3. Chaplain's or Minister's opinion:—
4. Assistant Governor's opinion:—
5. Governor's opinion:—

SUMMARY OF ADVERSE FACTORS

ADVISORY BOARD'S DECISION

(mark X if present)

1. Adverse early home background	.....	
2. Bad school history .. ..	.....	*Admitted
3. Bad work record .. ..	.....	*Not admitted
4. Forces failure .. ..	.....	} to Third Stage
5. Bad companions.. ..	.....	
6. Under 21 on first conviction ..	.....	
7. Crimes of stealing predominating	.....	
8. Drink addiction .. ..	.....	* Delete whichever is inapplicable
9. Homeless or with unsatisfactory marital relationships .. ..	.....	
10. Rejected by family .. ..	.....	
11. Subnormal intelligence .. ..	.....	
12. Mental instability .. ..	.....	

APPENDIX B.2

ANALYSIS OF THE FACTORS GOVERNING THE ALLOCATION TO THIRD STAGE OF PREVENTIVE DETENTION

List of Codes from form 1140 Report to the Advisory Board

GENERAL							Code	Col. No.
Reference number	..	..	..	..	..	..	01-99	11 and 12
Two-third group	..	..	..	..	..	..	1	13
Five-sixths	..	..	..	..	..	..	2	13
<i>Age on current conviction:</i>								
30-39	..	..	..	..	..	..	3	14
40-49	..	..	..	..	..	..	4	
50-59	..	..	..	..	..	..	5	
60+	..	..	..	..	..	..	6	
SECTION A—CRIMINAL								
<i>Current Offence</i>								
Fraud and False Pretences	..	..	..	..	..	..	1	15
Larceny	..	..	..	..	..	..	2	
Breaking	..	..	..	..	..	..	3	
Violence	..	..	..	..	..	..	4	
Sexual Offences	..	..	..	..	..	..	5	
Receiving	..	..	..	..	..	..	6	
Other	..	..	..	..	..	..	7	
Mixed	..	..	..	..	..	..	8	
Number of current charges	..	..	..	..	..	..	1-9	16
ITEM A3—Predominant Type of Offence								
Code as for current offence (Code above)	..	..	..	..	..	..	1-8	17
ITEM A5—Different Types of Treatment								
Imprisonment only	..	..	..	..	..	..	0	18
Approved school or Borstal	..	..	..	..	..	..	1	
Approved school + Borstal	..	..	..	..	..	..	2	
Probation	..	..	..	..	..	..	3	
Probation + 1 or 2	..	..	..	..	..	..	4	
Corrective Training	..	..	..	..	..	..	5	
Corrective Training + Probation	..	..	..	..	..	..	6	
Corrective Training + 1 or 2	..	..	..	..	..	..	7	
<i>Note.</i> —All penalties include imprisonment								
ITEM A6—Interval at Liberty								
Under 1 month	..	..	..	..	..	..	1	19
1 month and under 3 months	..	..	..	..	..	..	2	
3 months and under 6 months	..	..	..	..	..	..	3	
6 months and under 12 months	..	..	..	..	..	..	4	
1 year and under 2 years	..	..	..	..	..	..	5	
2 years and under 4 years	..	..	..	..	..	..	6	
4 years and over	..	..	..	..	..	..	7	

SECTION A—CRIMINAL—*contd.*ITEM A6—*contd.*

								Code	Col. No.
<i>Number of Appearances (from Record)</i>									
Less than 5	..	..	..	..	..	..	..	1	20
5 and up to 9	..	..	..	..	..	..	..	2	
10 and up to 19	..	..	..	..	..	..	..	3	
20 and up to 29	..	..	..	..	..	..	..	4	
30+	..	..	..	..	..	..	..	5	

SECTION B—CHARACTER AND OUTLOOK RATING

ITEM B1—*Efforts towards rehabilitation*

No information	..	..	..	..	..	..	..	0	21
None	..	..	..	..	..	..	..	1	
Very poor	..	..	..	..	..	..	..	2	
Average	..	..	..	..	..	..	..	3	
Above average	..	..	..	..	..	..	..	4	
Very good	..	..	..	..	..	..	..	5	

ITEM B2—*Attitude to Society*

Hostile	..	..	..	..	..	..	..	1	22
Indifferent	..	..	..	..	..	..	..	2	
Average	..	..	..	..	..	..	..	3	
Positive	..	..	..	..	..	..	..	4	
Strongly positive	..	..	..	..	..	..	..	5	
No information	..	..	..	..	..	..	..	0	

ITEM B3—*Attitude to Staff*

No information	..	..	..	..	..	..	..	0	23
Hostile	..	..	..	..	..	..	..	1	
Indifferent	..	..	..	..	..	..	..	2	
Average	..	..	..	..	..	..	..	3	
Co-operative	..	..	..	..	..	..	..	4	
Very co-operative	..	..	..	..	..	..	..	5	

ITEM B4—*Prison Offences**First Stage*

None	..	..	..	..	..	..	..	0	24
One	..	..	..	..	..	..	..	1	
More than one	..	..	..	..	..	..	..	2	

Second Stage

None	..	..	..	..	..	..	..	0	25
One	..	..	..	..	..	..	..	1	
More than one	..	..	..	..	..	..	..	2	

SECTION C—SOCIAL

ITEM C6(a)—*Home Status and Environment*

Home respectable	..	..	..	..	..	..	..	1	26
Home not respectable	..	..	..	..	..	..	..	2	
Not known (and will not return to environment)	..	..	..	..	..	..	..	0	

ITEM C7(c)—*Work—Promise of Employment*

Yes	..	..	..	..	..	..	..	1	27
No	..	..	..	..	..	..	..	2	

SECTION C—SOCIAL—*contd.*

										Code	Col. No.
ITEM C7(d)— <i>Proposed Job Within Capacity</i>											
Yes	..	..	..	..	..	..	..	..	..	1	28
No	..	..	..	..	..	..	..	..	..	2	
ITEM C7(e)— <i>Employability</i>											
Good	..	..	..	..	..	..	..	..	..	1	29
Other	..	..	..	..	..	..	..	..	..	2	
ITEM C7(f)— <i>Prisoners' Trade</i>											
Skilled	..	..	..	..	..	..	..	..	..	1	30
Semi-skilled	..	..	..	..	..	..	..	..	..	2	
Unskilled	..	..	..	..	..	..	..	..	..	3	
ITEM C7(g)— <i>Vocational Training</i>											
Yes	..	..	..	..	..	..	..	..	..	1	31
No	..	..	..	..	..	..	..	..	..	2	

SECTION D—MEDICAL

ITEM D1(a)— <i>Physical—History</i>											
Some	..	..	..	..	..	..	..	..	..	1	32
None	..	..	..	..	..	..	..	..	..	0	
ITEM D1(b)— <i>Physique</i>											
Slight, thin	..	..	..	..	..	..	..	..	..	1	33
Average, medium	..	..	..	..	..	..	..	..	..	2	
Muscular, well built	..	..	..	..	..	..	..	..	..	3	
Fat	..	..	..	..	..	..	..	..	..	4	
ITEM D1(c)— <i>Health</i>											
Good	..	..	..	..	..	..	..	..	..	1	34
Not (anything adverse)	..	..	..	..	..	..	..	..	..	2	
ITEM D1(d)— <i>Existing Ailments</i>											
Yes (some)	..	..	..	..	..	..	..	..	..	1	35
None	..	..	..	..	..	..	..	..	..	0	
ITEM D1(e)— <i>Fitness for Work</i>											
Fit (No disability)	..	..	..	..	..	..	..	..	..	0	36
Partially unfit (slight disability)	..	..	..	..	..	..	..	..	..	1	
Unfit (severe disability)	..	..	..	..	..	..	..	..	..	2	
ITEM D2(d)— <i>Personality Type</i>											
Schizoid	..	..	..	..	..	..	..	..	..	1	37
Introvert	..	..	..	..	..	..	..	..	..	2	
Normal, ordinary	..	..	..	..	..	..	..	..	..	3	
Extrovert	..	..	..	..	..	..	..	..	..	4	
Manic	..	..	..	..	..	..	..	..	..	5	
Psychopath	..	..	..	..	..	..	..	..	..	6	
ITEM D2(e)— <i>Personality Problems</i>											
None	..	..	..	..	..	..	..	..	..	0	38
Some	..	..	..	..	..	..	..	..	..	1	

SECTION D—MEDICAL—*contd.*

									Code	Col. No.
<i>ITEM D2(g)—Sexual Deviation</i>										
None	..	..	..	..	..	..	..	..	0	39
Some	..	..	..	..	..	..	..	..	1	
<i>ITEM D2(f)—Emotional Maturity</i>										
Infantile, low, etc.	..	..	..	..	..	..	..	..	1	40
Normal	..	..	..	..	..	..	..	..	2	
<i>ITEM D2(k)—Adverse influence on rehabilitation</i>										
Yes	..	..	..	..	..	..	..	..	1	41
No	..	..	..	..	..	..	..	..	0	
<i>ITEM D3(c)—Attitude to Conviction</i>										
Accepted	..	..	..	..	..	..	..	..	1	42
Not accepted	..	..	..	..	..	..	..	..	2	

SECTION E—PROGNOSIS

Likelihood of Success Rating

ITEM E1—Chief Officer's opinion	..	..	..	..	..	..	..	..	43
ITEM E2—Medical Officer's opinion	..	..	..	..	..	..	..	..	44
ITEM E3—Chaplain or Minister's opinion	..	..	..	..	..	..	..	..	45
ITEM E4—Asst. Governor's opinion	..	..	..	..	..	..	..	..	46
ITEM E5—Governor's opinion	..	..	..	..	..	..	..	..	47
Failure (unqualified)	..	..	..	..	..	..	..	..	1
Failure (qualified)	..	..	..	..	..	..	..	..	2
Neutral	..	..	..	..	..	..	..	..	3
Success (qualified)	..	..	..	..	..	..	..	..	4
Success (unqualified)	..	..	..	..	..	..	..	..	5
No information	..	..	..	..	..	..	..	..	0

SUMMARY OF ADVERSE FACTORS

Adverse early home background

Yes	..	..	..	..	..	..	..	..	1	48
No	..	..	..	..	..	..	..	..	0	

Bad School History

Yes	..	..	..	..	..	..	..	..	1	49
No	..	..	..	..	..	..	..	..	0	

Bad Work Record

Yes	..	..	..	..	..	..	..	..	1	50
No	..	..	..	..	..	..	..	..	0	

Forces Failure

Yes	..	..	..	..	..	..	..	..	1	51
No	..	..	..	..	..	..	..	..	0	

Bad Companions

Yes	..	..	..	..	..	..	..	..	1	52
No	..	..	..	..	..	..	..	..	0	

Under 21 on first conviction

Yes	..	..	..	..	..	..	..	..	1	53
No	..	..	..	..	..	..	..	..	0	

SUMMARY OF ADVERSE FACTORS—*contd.*

<i>Crimes of stealing predominating</i>	<i>Code</i>	<i>Col. No.</i>
Yes	1	54
No	0	
<i>Drink Addiction</i>		
Yes	1	55
No	0	
<i>Homeless or with unsatisfactory Marital Relationships</i>		
Yes	1	56
No	0	
<i>Rejected by Family</i>		
Yes	1	57
No	0	
<i>Subnormal Intelligence</i>		
Yes	1	58
No	0	
<i>Mental Instability</i>		
Yes	1	59
No	0	
<i>Total number of Adverse Factors Present</i>		
Code number	0-9+	60

P.D. RESEARCH

Name of Prisoner.....

Rating 1, 2, 3

Number

Instruction to raters

Read the item on form 1140 noted in first column below. Do not take any note of other information. Quickly assess your reaction to the information given. If you think the report contains no relevant information put a tick in the special box provided.

The rating of likelihood of success (or of benefit from third stage) may be assisted by considering how surprised the reporting officer might be if the prisoner became a success or a failure, or better, what odds he would take in a gamble.

ITEM B1—*Efforts towards rehabilitation*

None	Very poor	Average	Above average	Very good
1	2	3	4	5

No information

ITEM B2—*Attitude to society*

Hostile	Indifferent	Average	Positive	Strongly positive
1	2	3	4	5

No information

ITEM B3—*Attitude to staff*

Hostile	Indifferent	Average	Co-operative	Very co-operative
1	2	3	4	5

No information

☐ITEM E1—*Chief Officer's opinion**Likelihood of success*

No hope	Below average	Average	Above average	Should make good
1	2	3	4	5

No information

☐ITEM E2—*Medical Officer's opinion*

No hope	Below average	Average	Above average	Should make good
1	2	3	4	5

No information

☐ITEM E3—*Chaplain's or Minister's opinion*

No hope	Below average	Average	Above average	Should make good
1	2	3	4	5

No information

☐ITEM E4—*Assistant Governor's opinion*

No hope	Below average	Average	Above average	Should make good
1	2	3	4	5

No information

☐ITEM E5—*Governor's opinion*

No hope	Below average	Average	Above average	Should make good
1	2	3	4	5

No information

☐

Rating Officer

APPENDIX B.3

ANALYSIS OF FACTORS GOVERNING THE ALLOCATION TO THIRD STAGE OF PREVENTIVE DETENTION

Combination codes for use in the different fields.

1. RECONVICTION. Time at Liberty after release from Preventive Detention to Reconviction.

	<i>Time at Liberty</i>	<i>Code</i>
Less than 1 month		1
1 month and less than 3 months		2
3 months and less than 6 months		3
6 months and less than 12 months		4
12 months and less than 24 months		5
24 months and less than 36 months		6
36 months and less than 48 months		7
Not reconvicted		X

2. CRIMINAL HISTORY. (Section "A" of Report to Advisory Board).

Aged 30-39 on conviction for current offence.

Breaking current offence or predominant offence.

Interval at liberty of less than 12 months between current sentence and first prior sentence.

20 or more appearances.

Forces failure

Bad companions.

Less than 21 years on first conviction.

Code (0 to 7) total number of these factors present.

3. BEHAVIOUR WHILST IN PRISON:—

(a) *Efforts towards rehabilitation* (Item B1).

(b) *Attitude to Society* (Item B2).

(c) *Attitude to Staff* (Item B3).

Code A = favourable comments (unqualified).

B = favourable comments (qualified).

C = mixed or neutral comments.

D = unfavourable (qualified).

E = unfavourable (unqualified).

4. PRISON OFFENCES. (Section "B" of form 1140) offences committed during the first and second stages have been combined.

Classification of prison behaviour from reports of breaches of discipline.

In most cases the nature of the offences against prison discipline was given but the details were insufficient to enable us to make a classification in terms of their seriousness. "Failing to obey an order", "using insulting behaviour towards an officer", "using bad language", "uncleanliness" and "refusing to work" make up most of the offences and all could probably be classified as fairly trivial. However, there were cases where the conduct might or might not be regarded as serious, e.g. "threatening behaviour" or "fighting", and there were only a very few instances of undoubtedly serious behaviour such as "armed attack". We therefore thought

it preferable to classify the prisoners according to the number of breaches they had committed during their sentence. To do this we have scaled the information about breaches of prison discipline as follows:—

No infringements of discipline in either 1st or 2nd stage ..	A
One infringement only in <i>either</i> 1st or 2nd stage (but not both) ..	B
More than one infringement in either 1st or 2nd stage or one offence only in both	C
More than one infringement in either 1st or 2nd stage plus one offence in the other	D
More than one infringement in both 1st and 2nd stages ..	E

5. HOME CIRCUMSTANCES. (Section C).

Home not respectable (or no fixed abode).
Adverse early home background.
Bad school history.
Homeless or unsatisfactory marital relationship.
Rejected by family.
Code (0 to 5) number of factors present.

6. EMPLOYMENT.

No promise of work.
Unskilled.
No vocational training.
Bad work record.
Code (0 to 4) number of adverse factors present.

7. MENTAL FACTORS.

Psychopathic, schizoid, manic.
Personality problems.
Emotional immaturity.
Subnormal intelligence.
Mental instability.
Mental unfitness for rehabilitation.
Code (0 to 6) number of factors present.

8. AGREED PROGNOSIS. Combined rating for Items E1 to E5.

E1 = Chief Officer's opinion
E2 = Medical Officer's opinion
E3 = Chaplain's opinion
E4 = Assistant Governor's opinion
E5 = Governor's opinion

Success (unqualified)	A
Success (qualified)	B
Neutral or mixed failure/success ..	C
Failure (qualified)	D
Failure (unqualified)	E

9. CURRENT OFFENCE CODE.

	Code
Frauds and false pretences (including mixed group with an element of fraud)	1
Larceny and receiving	2
Breaking	3
Violence or sex	4
Others	5

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HOME OFFICE

STUDIES IN THE CAUSES OF DELINQUENCY
AND THE TREATMENT OF OFFENDERS

5

Persistent Criminals

A study
of all offenders liable to
Preventive Detention in 1956

by
W. H. Hammond and Edna Chayen

A Home Office Research Unit Report

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FOREWORD

THIS is a report on a study of persistent offenders; those, in the words of Sir Lionel Fox, at whose suggestion the investigation was begun, "who are committed to a life of crime and remain ostensibly unaffected by any number of sentences of whatever severity".

The first part of the study consists of an examination of the way in which courts of assize or quarter sessions have used preventive detention or the alternative sentences available to them in dealing with offenders liable to preventive detention who appeared before these courts in 1956. Some hitherto unused procedures of standardisation have been developed to isolate the influence of different combinations of factors on sentence. The research has shown that there are very different types of offender within the group eligible for preventive detention but that the measures available to the courts are ineffective in diverting from crime more than a small proportion of the offenders of any type.

The second part analyses in greater detail the preventive detainee's social circumstances and progress in prison in relation to the recommendation of the Preventive Detention Advisory Board to release the offender after two-thirds or after five-sixths of his sentence had been served, and for the purpose of the analysis special techniques for quantifying and scaling written records have been devised.

The offenders liable to preventive detention are compared with the habitual offenders studied in a well known investigation by Professor Norval Morris (who included prisoners serving a sentence of preventive detention under the 1908 Act) and the striking similarity of the results suggests that the characteristics of persistent criminals have changed very little over the last twenty years and that the problem they present remains still unsolved.

The Research Unit is grateful to the Prison Commission for providing much of the material used in this study. We are also indebted to the chairman of the Preventive Detention Advisory Board, Mr. Bertram Reece, C.B.E., for his co-operation and for permission to quote his memorandum on the composition and working of the Advisory Board.

T. S. LODGE,
Director of Research.

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